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# Rhea

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

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# Rhea



Rhea County Courthouse

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# Chapter I - Administration

## County Executive

### Private Acts of 2004 Chapter 125

**SECTION 1.** Pursuant to Tennessee Code Annotated, Section 5-6-101, the title of "county mayor" in Rhea County shall be redesignated as "county executive".

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Rhea County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

**SECTION 3.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

Passed: May 13, 2004.

## Purchasing

### Purchasing and Finance Commission

#### Private Acts of 1955 Chapter 313

**SECTION 1.** That the Quarterly County Court of Rhea County, Tennessee, hereinafter called the County, is hereby empowered to adopt and enforce ordinances and resolutions prescribing detailed procedure to be employed in the administration of the finances, the personnel and the procedure of each office, official, agent, employee, department, institution and activity of the County Government, including, but not limited to the following:

- a. The assessment of property for taxation in all respects not contrary to the Constitution of General laws of Tennessee.
- b. The levying and assessing of property taxes, licenses, fees and charges;
- c. The collecting, safeguarding, depositing, expending and reporting of County funds collected by County officers, or offices, all fee and commission funds accruing to the offices of elective County officials, including Clerks of Courts who are declared to be officials of the County as well as the State in certain respects, but whose fiscal and reporting procedure pertaining to funds in which the County has an interest is hereby made subject to control by the County Court.
- d. The installation and operation of modern methods of accounting, auditing, budgeting, reporting, purchasing, contracting, debt administration, and all improved procedures for the aid of the County Government.
- e. Codes of regulation controlling building, electrical, plumbing, sanitary and other work in urban localities that are not incorporated;
- f. Violations of the provisions of such ordinances or resolutions so adopted shall constitute a misdemeanor.

**SECTION 2.** That there is hereby created a Purchasing and Finance Commission for Rhea County hereinafter called the Commission.

Said commission shall be composed of three (3) citizens of the county who have resided in the county for at least five (5) years and who shall be business persons with at least five (5) years of general business experience and shall be at least thirty (30) years of age.

The members of the Commission shall be elected by the Quarterly County Court. The Quarterly County Court at its regular meeting in July 1956, shall elect the first Commission, which shall take office on September 1, 1956. The County Court shall, at its July meeting in 1956, elect one member whose term shall expire on July 31, 1957; one member whose term shall expire on July 31, 1958; and one member whose term shall expire July 31, 1959; At its July meeting each year thereafter, the County Court shall elect the successor to the member whose term will expire the following July 31st, for a term of Three Years. The terms of office shall be so staggered that one member will be elected each year so as to have a

continuing Commission so that there will always be two experienced members.

Vacancies occurring in membership of the Commission shall be filled at the next meeting of the County Court.

Each member of the Board of Commissioner shall, before entering upon the duties of his office, make and file with the Clerk of the County Court an oath to the effect that he will faithfully, honestly, and impartially discharge the duties of his office to the best of his ability and shall execute a Corporate Surety Bond in the principal sum of Five Thousand Dollars (\$5,000.00), payable to the State of Tennessee, for the use of Rhea County, the said bond to be approved by the Chairman of the County Court, or the County Judge and to be filed with the Clerk of the County Court, to be conditioned that the said Commissioner will honestly, faithfully, and impartially discharge the duties of his office, and the premium upon said bond shall be paid from the County General Fund.

Said Board shall hold regular meetings on Wednesday of each week at the Court House in said County, the hour to be fixed by the Commissioners. All meetings shall be public and the Board will keep minutes of its proceedings. A majority of the Board shall constitute a quorum for the transaction of all business and the acts of two members of said Board shall, when same is in session, be deemed the Act of the Board.

The Commission shall at its first meeting organize itself by electing from its membership a Chairman, Vice-Chairman, and a Secretary. And shall so organize itself at its first meeting in August each year.

The compensation of the members shall be Six Hundred Dollars (\$600.00), except the Chairman who shall receive Nine Hundred Dollars (\$900.00) per year to be paid out of the County General Funds on warrants drawn by the County Judge or Chairman.

As amended by: Private Acts of 1981, Chapter 184

**SECTION 3.** That the administrative details of accounting and purchasing, auditing and budgeting, matters pertaining to finance, the drawing of warrants, the keeping of books and records of the County and all similar details shall be under the supervision of the Commission. The County Court shall prescribe, install, and maintain a centralized system of double entry accounting and fiscal control of all County funds, and may prescribe and supervise the administrative and fiscal procedures to be employed by each County office, agency and department and may require such records, reports and procedure and such general business methods as may to the Court seem desirable and necessary. But the system of accounts to be kept by the Department of Education shall be such as may be prescribed by the Department of Education of the State of Tennessee. The accounting system herein provided shall properly account for all revenues accruing to the County from any and all sources, including grants-in-aid or other income from the State and/or the Federal Government, and all disbursements made and obligations against any County fund or any fund administered by any branch of the County Government.

The Commission shall be the purchasing agency for the County and the County Court is authorized to employ all necessary assistants to the Commission and to fix and pay compensation therefor. It shall be the duty of the Commission acting as Purchasing Agent to purchase all the supplies, materials or properties of every kind and character, including insurance on County property, used or consumed by the County or any of its officers, agents, employees, Boards or commissions including all County offices, the County Jail (exclusive of supplies for boarding prisoners), the County workhouse, the County schools and the County Board of Education, all the materials and supplies or equipment used in connection with the County Poor Farm, highways and bridges and all other officials, boards or Commissions of said County where such supplies, materials or properties are paid for out of the public funds belonging to or under the control of said County. "All contracts, for construction of buildings, roads, and any other work shall be let by the Commission at the request of the official or Board having jurisdiction to order the work done. The plans and specifications shall be adopted or supplied by such Board or official having jurisdiction. No County official or Board other than the Commission shall have any authority to make purchases or to let contracts as set out above which bind the County." The purchase of supplies, materials or properties in any one class in excess of Five Hundred (\$500.00) Dollars shall be made upon competitive bids, after due notice by advertisement or otherwise to prospective bidders; purchases in smaller amounts shall also be made at lowest and best price possible provided, however, that in case of emergency, competitive bids shall not be required. Provided further that nothing herein shall operate to prevent the purchase of coal from the State of Tennessee if it appears in the public interest to so purchase it. Said Commission shall, upon authorization of the County Court, sell any real or personal property of the County not needed or suitable for public use or that may have been condemned or discarded; either at public or private sale.

As amended by: Private Acts of 1978, Chapter 193

**SECTION 4.** That all County officials, commissions or boards and all authorized clerks of any Court in said County shall make requisition upon the Commission for the quantity and character of supplies, materials or properties needed or the needs of which are anticipated; and if such Commission be satisfied that the quantity, quality and character of such supplies, materials or properties so requisitioned are proper and

necessary, it shall proceed to purchase the same and make delivery thereof to the requisitioning officer, or officials, Board of Commission, or if deemed advisable store the same in such storage space as may be provided, delivery thereof to be made when, and if needed.

Said Commission after ascertaining that all materials, supplies or properties so requisitioned, and for which purchase orders have been issued are in order and properly accounted for from packing slips, invoices, etc., when delivery is made to requisitioner which are to be properly signed by an assistant or assistants of the Purchasing and Finance Commission office as a receiving report.

It shall further be the duty of all requisitioners, for which purchase orders are issued, to keep in their possession records of the disposition of all supplies, materials or properties and are to be held accountable to the said Commission for such records which shall periodically be audited by the Purchasing and Finance Commission office for a check of the disposition of all supplies, materials and properties, chargeable to such departments or officials.

It shall be the duty of all officials of the County to supply the Purchasing and Finance Commission with a property report of all equipment, office furniture, fixtures, office equipment, properties and supplies chargeable to such officials and officers, etc., and belonging to the County which shall be a permanent record of the Commissions' office, such properties, furniture, equipment, etc., shall be audited monthly by assistants of the Purchasing and Finance Commission office.

The Commission, or its assistant or assistants, shall prepare all necessary and proper vouchers for purchases made and shall accompany the same with the invoices and information as to price, quantity and character of such supplies, materials or properties. Said invoices are to specify the department or office for which the purchase was made, a warrant for which shall be drawn upon the County Trustee, signed by the Chairman of said Commission and by the County Judge or Chairman of the County Court, for the payment of all purchases made, with the exception of purchases made for supplies, materials and properties chargeable to the public school fund of said County, and for such purchases the invoice with the accompanying data aforesaid shall be presented to the County Board of Education, which shall draw its own warrant, or warrants, in payment thereof as now provided by law, and said Trustee shall not honor any warrant for the purchase of supplies, materials and properties or contracts as set out above other than those drawn by the County Board of Education and the County Purchasing and Finance Commission.

Said Commission shall make reports, listing all purchases and contracts consummated by it to the regular meetings of the County Court for the preceding quarter.

Said Commission shall be responsible for the auditing and checking all county officials, employees, Boards of Commissions and the County Court shall make available to it all necessary help and assistance, technical, expert or otherwise as may be advisable to the end that systematic audits, checks and surveys may be made at such times and in such manner as the County Court may determine and a report thereof kept in the office of the Commission for public inspection. Said County Court shall have authority to employ a certified public accountant who is not otherwise an employee of the County, or a firm of such accountants, and may enter into contracts with them on behalf of the County prescribing the method and time of such audits but the books and records of such County officials, Board of Commission, shall be audited not less than once each year, provided, however, that the expense of said audits shall not exceed Three Thousand Dollars (\$3,000.00), per year.

**SECTION 5.** That the scale of wages and salaries of all employees of the Highway Department shall be subject to the approval of the said Commission. And all authority to draw warrants on Highway Department funds in the hands of the County Trustee shall be removed from the Highway Supervisor and placed in the Commission, the same as for purchases. The County Highway Department shall submit its payroll to the Commission and if found in order it shall draw warrants in payment of it as above set out for payment for purchases of supplies, materials and properties.

**SECTION 6.** That until otherwise prescribed by the County Court, the fiscal year of the Government of Rhea County shall begin on July 1st and end on June 30th each year. **SECTION 7.** That there is hereby created a County Budget Committee for Rhea County composed of the Chairman of the County Purchasing Commission, the County Judge or Chairman of the County Court and three Justices of the Peace appointed or elected by the Quarterly County Court at its April term.

It shall be the duty of said Budget Committee, after full investigation of the fiscal affairs of each Department, Board, Commission or office to adopt a proposed budget for the next fiscal year beginning on the next July 1st, for all affairs of the County, except schools. Said proposed budget shall set out in detail the estimated expenditures for each department of the County Government by months where practical and otherwise by quarters. Expenditures for each such period shall substantially comply with the budget for the period. It shall also recommend a tax levy for each department of the County Government which, together with any unencumbered funds in the hands of the Trustee less a reserve for erroneous

assessments and delinquent taxes for that year, it believes will be sufficient to operate each department of the County Government on a cash or "pay as you go basis."

This proposed budget shall be prepared in time to furnish a copy of it to each member of the County Court, to all interested officials and to newspapers for publication not later than June 1st immediately preceding the beginning of the fiscal year covered by the proposed budget.

This proposed budget shall be submitted to and acted upon at the July Term of the County Court. The County Court may modify as it sees fit such budget before its adoption but it shall make a tax levy upon the adoption of such budget sufficient to operate the County affairs on a "Cash" or "Pay as you go" basis, as outlined above.

**SECTION 8.** That it is the purpose of this Act to provide for the "Cash" basis operation of all fiscal affairs of Rhea County. To that end no purchase shall be made for any department until it is determined and certified by the County Central Accounting office that there is an unencumbered fund in the hands of the Trustee to the credit of the department for which the purchase is to be made, sufficient to pay for said purchase. It is further provided that no warrant shall be drawn by any County official until an encumbrance number has been assigned to it by the Central Accounting office and no encumbrance number shall be so assigned unless and until the Central Accounting office shall have determined that there is sufficient unencumbered funds in the hands of the Trustee to the credit of that particular department to pay such warrant.

**SECTION 9.** That the Commission shall have authority to purchase road equipment for the County highway upon rental purchase basis, after ascertaining there is sufficient income from road funds to make said rental payments under any contract so made. This right to make such rental purchase contract is provided because the said County does not have sufficient cash on hand at all times from road funds to make cash payments for heavy machinery used for said Highway Department and unless the Commission is given this right, said County could be deprived of machinery needed for said County roads.

**SECTION 10.** That it shall be a misdemeanor in office for any County official of Rhea County to willfully authorize or execute any contract for service or make any purchase or draw any warrant on the Trustee without having first determined as above set out that there is an unencumbered balance in the current budget for the affected department and that there is in the hands of the Trustee unencumbered funds to pay for all the purchase or to pay the warrant, or to make any purchase from any vendor in which he has any personal interest directly or indirectly and upon conviction for this personal offense, the official shall be dismissed from his office and disqualified for holding any public office in Rhea County, for a period of Five Years.

**SECTION 11.** That the County Judge or County Chairman, the Supervisor of Roads and the members of the County Purchasing and Finance Commission are hereby constituted a County Highway Supervisory Committee. The County Judge or Chairman shall be its chairman. Said Committee shall approve in writing a program of Road maintenance and construction for each quarter of the budget year which shall be followed by the Supervisor of Roads in expending of County Road Funds. This program shall set out what roads are to be constructed and/or improved and in what order. The above program shall provide a fair and equitable distribution of road construction, improvement and maintenance as between the Civil Districts and various communities of the County. Account shall be taken of such matters as population, road mileage, mail routes, and work previously done in the several districts and communities and the current condition of the roads.

All machinery, tools and materials for use by the Highway Department shall be requisitioned by the Supervisor of Roads subject to the approval of the Commission. This committee shall have full authority to act for the County in making recommendations to the State Highway Department as to where and how State and/or Federal Highway funds available to the County shall be spent. The employment of personnel, with the exception of a bookkeeper, and their salaries shall be upon the recommendation of the Supervisor of Roads and subject to the approval of the Commission. The Purchasing and Finance Commission shall employ a bookkeeper for the County Highway Department, and the Road Supervisor or the County Highway Supervisory Committee shall have no authority to employ a bookkeeper for said Department. Said bookkeeper for said Department to be paid out of the road funds.

**SECTION 12.** That should any section, or part of a section, of this Act be declared unconstitutional, or for any reason invalid, same shall not be held to impair or invalidate the constitutionality, validity, force or effect of any other section or part of this Act, it being expressly declared by the General Assembly that this Act and the remaining sections, or parts of sections, would have been approved or adopted without regard to the invalidity or unconstitutionality of any part of a section, unless it clearly appears that the remainder of the Act be necessarily dependent upon that part declared invalid or unconstitutional.

**SECTION 13.** That all laws, or parts of laws, in conflict with or inconsistent with the provisions of this Act,



or any part thereof, are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it, but this Act shall not have the effect of removing from office the present Board of Commissioners elected by virtue of Chapter 48, of the Private Acts of 1953 or to amend, alter, or abridge their duties or authority under Chapter 48 of the Private Acts of 1953 until their term expires on August 31, 1956.

**SECTION 14.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of Rhea County, Tennessee, on or before the next regular meeting of said Quarterly County Court occurring more than Sixty Days after its approval by the Chief Executive of this state. Its approval or non-approval shall be proclaimed by the Chairman of the Quarterly County Court of Rhea County, Tennessee, and shall be certified by him to the Secretary of State.

Passed: March 9, 1955.

## Retention of Government

### Private Acts of 1978 Chapter 194

**SECTION 1.** Unless otherwise required by general law or constitutional provision, the governmental organization of Rhea County shall remain as now provided for by general law or private act, and the powers, duties, and authority of each component of such county government shall remain unchanged by actions taken by any other local government on such local government's behalf.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Rhea County before September 1, 1978. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 3.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: February 27, 1978.

## Administration - Historical Notes

### **Budget System**

The following acts once created a budgeting system for Rhea County, but they have been specifically repealed or superseded by current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1931, Chapter 467, created a three member Budget and Finance Commission for Rhea County which would be elected annually by the Quarterly Court and sworn to perform their respective duties. The Commission would meet no later than December's first Monday to make a careful study of the financial conditions and needs of the County for the coming fiscal year beginning January 1 and ending December 21, except in the school department whose fiscal year would run from July 1 through June 30. The Commission would prepare a suggested budget showing in detail the financial condition and needs of the county and a suggested tax rate to produce the funds necessary to meeting those needs, and present the same to the Quarterly Court. The School Board would submit their budget request not later than March 15 each year. The budget, as proposed and adopted, would be printed in some newspaper. Any county official exceeding the budget allotment was subject to fine and forfeiture of office and it was the mandatory responsibility of the Commission to report and prosecute such events. Any purchase made in excess of available funds constituted an illegal and unenforceable contract.
2. Private Acts of 1937, Chapter 862, also created a budget system for Rhea County but repealed only the conflicts of any prior law. The Commission was increased to five members, the Act naming E. M. Williamson, Chairman, Mrs. Daisy Morgan, Secretary, and W. R. Spivey, Creed Cunningham, and Mrs. Ethel England as members. Each member would be paid \$75 per year for their services. The remainder of this Act coincides with the provisions of its predecessor, analyzed in Item One above. This Act was repealed by Private Acts of 1949, Chapter 317, below.
3. Private Acts of 1943, Chapter 127, created the office of County Auditor in Rhea County and made it the duty of the Quarterly Court at its April, 1943, term to elect some person with a substantial knowledge of bookkeeping and accounting as the County Auditor who would serve a term of four years at \$1,200 a year compensation payable monthly. He shall be the Director of the Budget and

examine the accounts for all the departments to see that they stay within their budget allotments; to examine the records and expenditures of all the county agencies to see whether any revenues are due the County, including the Justices of the Peace. He shall file a report by March of each year with the Court showing the results of his audits and the action taken to correct the discrepancies found. This act was repealed by the one following.

4. Private Acts of 1945, Chapter 604, amended Private Acts of 1937, Chapter 862, by appointing Charles C. Keith and E. C. Byron as members of the Budget Commission, and by adding a provision that the terms of all the members of the Commission shall expire on the first Monday in July, 1945. Each member of the Commission would be paid \$100 a year, payable quarterly, out of the general fund account of the County on the warrant of the County Court Clerk, countersigned by the County Judge, or Chairman.
5. Private Acts of 1949, Chapter 25, specifically repeals Private Acts of 1943, Chapter 127, above, as the same was written.
6. Private Acts of 1949, Chapter 317, reorganized through the Quarterly Court of Rhea County the fiscal affairs of the government by giving the Quarterly Court the power to adopt Ordinances and Resolutions prescribing detailed procedures to be followed in the Administration of Finance, personnel, and the procedures of each office, official agent, employee, department, institution and activity of the Rhea County Court, including, but not limited to, assessment of property, levying of taxes; the handling of funds of all kinds, fiscal procedures and methods, regulating electrical, plumbing, and building codes, and providing for the penalties to be imposed on violations. This Act created a Purchasing and Finance Commission, prescribing the qualifications for members and naming Birch Arnold, Craven Hinch and James M. Abel, as members, all of whom would be paid \$300 a year. The scale of wages to be paid in the Highway Department must first be approved by the Commission, which is in charge of all county finances. The County Budget Committee would be composed of the Chairman of the Purchasing Committee, the County Judge, and three justices of the peace, members of the court, whose duties and authority are enumerated herein. The County Highway Supervisory Committee was made up of the County Judges, the Supervisor of Roads, and the members of the Purchasing Commission. This Act expressly repealed Private Acts of 1937, Chapter 862, Item 2 above, and was in return repealed by Private Acts of 1953, Chapter 47, below. This Act was upheld by the Supreme court in Hicks v. Rhea County, 189 Tenn. 384, 225 S.W.2d 544 (1949).
7. Private Acts of 1953, Chapter 47, repealed Private Acts of 1949, Chapter 317, in its entirety.

### **County Attorney**

The following acts once affected the appointment, election, or office of the county attorney in Rhea County. These acts are included for historical reference only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1931, Chapter 659, created in Rhea County, identified by the use of the 1930 Federal Census figures, the position of County Attorney whose compensation shall be fixed at \$50 per annum, retainer fees, and such additional sums as may be appropriated by the County Court for services rendered, all of which shall be paid quarterly by the Court. The County Attorney shall give legal aid and advice to all county officials, attend all meetings of the County Court, and represent the County in all litigation. The County Attorney could be removed by the Court. This Act was repealed by the one below.
2. Private Acts of 1933, Chapter 70, repealed Private Acts of 1931, Chapter 659, above, in its entirety.

### **County Executive**

The references below are of acts which once applied to the office of county judge, or county executive in Rhea County. They are included herein for historical purposes only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1856, Chapter 253, established the post of County Judge in every Tennessee county, who would be elected by the people for a four year term. The first election would occur on the first Saturday in May, 1856, under regular election laws. The Judge shall be learned in the law, sworn to office, and commissioned as other Judges. The Quorum Courts were abolished and their functions assigned to the Judge. The Courts would convene on the first Monday in every month and hold open until the dockets were completed. The jurisdiction of the Court is defined in the Act plus the fact that the Judge would be the accounting officer and general agent of the county for which positions general assignments were enumerated. The County Court Clerk would serve as the Clerk. The Judge shall not be precluded from practicing law in other courts than the one over

which he presided. This Act was repealed by the one below.

2. Acts of 1857-58, Chapter 5, expressly repealed Acts of 1856, Chapter 253, above, as it was written, and restored all the laws rendered inoperative by it.
3. Private Acts of 1923, Chapter 398, created the position of County Judge for Rhea County who would serve an eight year term and be paid \$1,800 annually. The Judge would be sworn and commissioned as other Judges and vacancies would be filled by appointment of the Governor until a Judge could be popularly elected by the next general August election. The office of Chairman was abolished, these duties being given to the Judge, and his other responsibilities were listed in eight separate paragraphs in Section 5 of the Act. The Court was required to be open at all times and process was to be made returnable to the first Monday occurring after five days from issue. The Quarterly Court would continue to meet as before on the first Monday in January, April, July, and October. The Clerk's duties would continue as before and he would keep a well bound docket book in addition. Again, the Judge could practice law in all courts except the one over which he presided. This Act was repealed in Item 5, below.
4. Private Acts of 1927, Chapter 739, amended Private Acts of 1923, Chapter 398, Section 5, by granting to the County Judge the authority to vote on issues before the Court in case the vote is a tie, and by giving him the further jurisdiction to issue injunctions to the same extent exercised by Circuit Judges and Chancellors.
5. Private Acts of 1949, Chapter 485, expressly repeals Private Acts of 1923, Chapter 398, as amended, above, in Item 3.
6. Private Acts of 1968, Chapter 491, created the office of County Judge in Rhea County, but was rejected by the Quarterly Court and never became an active law under the Home Rule Amendment to the Constitution of the State. The Judge, who must be 30 years of age, or older, a resident of the county for five years preceding, would be elected to an eight year term by popular vote in November, 1968, entering upon the office January 1, 1969 and complete the term ending September 1, 1974. He would be sworn and commissioned as other Judges of courts of record and be compensated at the rate of \$7,800 a year. The office of Chairman was abolished as of January 1, 1969, and the Judge would assume all the responsibilities and jurisdiction of that office. The Judge must keep an office in the Courthouse and devote his full time to the position. All of the above was subject to approval by referendum

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Rhea County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1807, Chapter 53, fixed the terms of the Quarterly Court, or the Court of Pleas and Quarter Sessions, for Bledsoe County and Rhea County. The Court would meet in Rhea County on the fourth Monday in January, April, July, and October.
2. Acts of 1809, Chapter 93, set the opening dates for all the terms of all the Quarterly County Courts in Tennessee but Rhea County's Court would continue to meet on the fourth Monday in January, April, July, and October.
3. Acts of 1817, Chapter 132, established the term times for the Circuit Courts and the Courts of Pleas and Quarter Sessions for several of the counties. Hereafter the Quarterly Court of Rhea County would meet on the first Monday in February, May, August, and November.
4. Acts of 1822, Chapter 86, was the authority for Daniel Rawlings, the Clerk of the Court of Pleas and Quarter Sessions in Rhea County, to keep the Clerk's office for the said County at his own home where he now lives adjoining the town of Washington.
5. Acts of 1826, Chapter 78, granted the County Courts of Maury, Williamson, Lawrence, Sumner, and Madison, a majority of the Justices being present, the right to elect three of their own number, at the first meeting of the year to hold the Court for the rest of the year under the same rules and regulations. Section 2 of the Act extended the same privilege to the County Courts of Rhea, Bledsoe, Bedford, and several other counties.
6. Acts of 1827, Chapter 34, changed the starting dates of the terms of the Quarterly Court in several of the counties. In Section 3, the schedule provided for Rhea County's Quarterly Court to convene on the third Monday of February, May, August, and November. This Act was repealed in Item 8, below.
7. Acts of 1827, Chapter 65, provided that the Courts of Pleas and Quarter Sessions of Dickson, Sullivan, Weakley, Hawkins, Hamilton, Smith, Henry, and Rhea Counties could, on the first day of

the first term select three of their number to hold the said Courts for that year. The Clerk shall enter their names on his records and notify them of their selection to serve. Same rules and regulations will apply as to the other court.

8. Acts of 1827, Chapter 83, repealed Acts of 1827, Chapter 34, Item 6, above, as it was originally written for all the counties.
9. Acts of 1835-36, Chapter 6, set up a County Court in every county of Justices of the Peace to meet on the first Monday of every month and hold open until the business of the Court is complete. Three Justices may constitute a Court to hear the probate of wills and related matters but would hold no jury trials. The Court would select 25 or 37 Jurors, whichever is better at \$1 per day and may levy taxes to pay them.
10. Acts of 1901, Chapter 364, provided that the Second Civil District of Rhea County shall hereafter be entitled to one additional Justice of the Peace to be elected by the qualified voters residing in the old corporate limits of Spring City. The Justice of the Peace shall reside in and keep his office in the said town and would have all the powers and privileges of other Justices of the Peace.
11. Private Acts of 1937 (Ex. Sess.), Chapter 22, amended Private Acts of 1907, Chapter 46, Section 2, which incorporated the city of Dayton, by striking out "one additional Justice of the Peace", and inserting in its place "two additional Justices of the Peace." The Act named B. M. Wilbur, to be commissioned to serve as the new Justice of the Peace until September 1, 1938, when his successor, elected at the general August election in 1938, would take office.
12. Private Acts of 1937 (Ex. Sess.), Chapter 23, amended Private Acts of 1917, Chapter 41, Section 5, which incorporated the town of Graysville in Rhea County, by adding a provision allowing two additional Justices of the Peace for all of that portion of the city lying north of what is known as the short line road, running from the Rail Road to Montague. Their duties and privileges shall be the same as others of similar position.
13. Private Acts of 1945, Chapter 100, stated that in Rhea County the per diem of each member of the County Court shall be \$4 for attending the sessions of the court plus five cents for each mile traveled while going to and from the sessions of the Court. This Act is repealed in Item 14.
14. Private Acts of 1949, Chapter 22, expressly repealed Private Acts of 1945, Chapter 100, which set up the per diem and mileage for Justices of the Peace.
15. Private Acts of 1949, Chapter 547, recited population figures of no less than 16,030 and no more than 17,000, according to the 1940 Census, which would include Rhea County. The bill fixed the compensation of Justices of the Peace attending a regular, special, or called meeting of the Quarterly Court at \$5 per meeting. This act was intended to apply only to Smith County. In any event, it was repealed by Private Acts of 1972, Chapter 245, and Private Acts of 1974, Chapter 170.
16. Private Acts of 1973, Chapter 102, set the per diem compensation of the members of the Quarterly Court, other than the chairman of \$20 with an additional 10¢ per mile for traveling to meetings.

### **County Register**

The following acts once affected the office of county register in Rhea County, but are no longer operative.

1. Private Acts of 1919, Chapter 447, provided that hereafter in Rhea County females over the age of 21, and possessing a common school education, are hereby declared to be eligible to hold the office of and discharge the duties of Deputy County Register.
2. Private Acts of 1957, Chapter 377, stated that the Register shall not record any deed, or instrument of conveyance unless the same bears a stamp from the office of the Tax Assessor certifying that his office has the names of the parties and the amount of the consideration of the conveyance. The Tax Assessor, or his Deputy, must be present when instrument is presented for recording. This Act was not presented to the Quarterly Court for approval and therefore never became an effective law under the Home Rule Amendment to the Constitution.
3. Private Acts of 1949, Chapter 896, relative to the duties of the register of deeds and the tax assessor in Rhea County, was repealed by Private Acts of 2019, Chapter 33.

### **Port Authority**

1. Private Acts of 1963, Chapter 247, created a Port Authority in Rhea County and Meigs County on the Hiwassie River calculated to expedite transportation and commerce and which would exercise those powers specifically granted herein. Six Commissioners, three from each county, elected by the people, would operate the Authority with whatever employees might be needed. The Authority

could exercise the power of eminent domain within the confines of this Act and the general law, and may issue bonds where certain conditions precedent are met. The County Courts of the respective counties nominate the Commissioners to be voted on, and no Justice of the Peace is eligible to serve. The Commissioners would not be paid except such per diem as might be allowed by the Quarterly Court but can be paid their legitimate expenses. Each county would pay one-half of the expense generated including the employment of architects. The operation of the Port Authority is declared to be a governmental function for which the Quarterly Courts may appropriate funds. A priority schedule for the expenditures of funds is established and the Act is intended to promote the navigation of the Little Tennessee River. This Act was disapproved by the Quarterly Court and never became an effective law

### **Purchasing**

The following acts once affected the purchasing procedures of Rhea County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1953, Chapter 48, created a central Accounting and Purchasing Commission in Rhea County, naming Creed Shipley, Dwight Swafford, and Will H. Fox, as its first members, who would serve until their successors, elected by popular vote in the August General Election, 1954, would assume office on September 1, 1954. Members of the Commission must be sworn and bonded, would meet every Wednesday at the Courthouse in public meetings of which minutes would be kept at all times. No member of the County Court was eligible to serve and vacancies would be filled by the remaining members, unless they could not agree, whereupon the County Judge, or Chairman, would fill the vacancy. The Chairman would be paid \$600 a year, and the members \$300 a year. The Commission would supervise all accounts and purchasing procedures, instituting a system of double entry bookkeeping, make all purchases for the county, employing such help as may be needed to do so, and soliciting competitive bids on all items over \$100. The Commission was responsible for the disposition of surplus property and the audit of each department every year, or to hire someone to do it at a compensation of less than \$3,000. The Highway Supervisor was not allowed to draw on highway funds. The Commission would prepare and submit a budget from requests of the Department heads and be prepared to report and prosecute anyone who exceeded, or violated, the budget allocations, once adopted. This act is repealed in Item 3.
2. Private Acts of 1953, Chapter 574, amended Private Acts of 1953, Chapter 48, Section 2, by adding a provision at the end making the Commission responsible for checking to see that all supplies and materials requisitioned are of the quality and in the quantity specified, and by requiring the requisitioners to retain all documentation of purchases until the commissioner can do this. Each section and department would file inventories of all property in their divisions which would be a permanent record.
3. Private Acts of 1955, Chapter 255, specifically repealed Private Acts of 1953, Chapter 48, as amended, in its entirety.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Rhea County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1809, Chapter 88, commissioned Jesse Roddy, Alexander Ferguson, Azariah David, Daniel Rawlings, Robert Patterson and David Campbell, to fix on a place as near the center as possible of Rhea County, to secure at least 30 acres, lay out a town, sell and convey lots, reserving at least one acre for a public square, on which shall be built a courthouse, prison, and stocks. The name of the town would be Washington, and it would have the same powers and privileges as others.
2. Acts of 1811, Chapter 65, stated that the Act passed in Knoxville in 1809, Item one, above, which appointed Commissioners to lay out the town of Washington in Rhea County is hereby suspended until further provision is made by law.
3. Acts of 1811, Chapter 106, nominated James Campbell, Jesse Roddy, Alexander Ferguson, Azariah David, Daniel Rawlings, David Murphey, Daniel Walker and John Luck, as Commissioners, to select a seat of justice as near the center of Rhea County as possible, to be called Washington, to secure at least 40 acres to lay out a town, to sell and convey lots, reserving sufficient ground for a public square, and to build or contract to build, a courthouse, prison, and stocks. All the Courts of Rhea County would continue to meet as before and all Acts enacted on this subject prior to this one are repealed.

4. Acts of 1812, Chapter 18, recited in the preamble that the General Assembly passed an Act on November 11, 1811, to lay off the town of Washington, on the Tennessee River in Rhea County and the Commissioners appointed did not have the power to procure an eligible site for the said town on the River, and have laid out the said town at the head of Spring Creek at high water mark. This Act proclaims that the town of Washington shall be permanently established where the same is now located and shall proceed under the same rules and regulations.
5. Acts of 1813, Chapter 65, appointed Thomas J. Campbell, James Rogers, Daniel Rawlings, George Colville, Carson Caldwell, and John H. Rodes, as Commissioners for the town of Washington in Rhea County. The Commission had the power to call on all the inhabitants of the city liable and subject to do so to repair and maintain the streets. The Commission was also allowed to levy a tax not to exceed fifty cents per \$100 of property valuation for these purposes.
6. Acts of 1813, Chapter 71, was the legal authority for the County Court of Rhea County, two-thirds of the Justices being present, to require the Commissioners appointed for the town of Washington to pay to either of the undertakers of the public buildings any sum of money not otherwise appropriated, but no more money shall be paid to either of the above until the buildings are finished and accepted by the proper authorities.
7. Acts of 1819, Chapter 38, incorporated the citizens of Washington in Rhea County under the Mayor-Alderman type of government subject to the same rules and regulations enacted for Murfreesboro, Tennessee.
8. Acts of 1820, Chapter 106, recited that Roswell Hall, of Rhea County, had obtained a license to hawk and peddle his goods and wares at retail for one year in Rhea County but he moved to Marion County before being able to use the license very much. This Act permits Hall to sell his goods in Marion County for the remainder of the period covered by the license without having to obtain another one.
9. Acts of 1822, Chapter 104, named Benjamin C. Stout, James Berry, John Day, Edmund Bean, Carson Caldwell, John Parker, and David S. Williams as Commissioners for the town of Washington in Rhea County with full power to pass all laws to preserve the health, prevent and remove nuisances, provide for the licensing and regulation of auctions, taxing, theatrical productions and other public amusements. Proper warrants for the violation of any of the above may issue from Justices of the Peace.
10. Acts of 1825, Chapter 101, established and authorized two warehouses for the inspection of tobacco on the south side of the Tennessee River in Rhea County, one to be located opposite Thomas Kelly's ferry and one opposite Thomas Price's ferry which inspection shall be conducted under the same rules and requirements as others.
11. Acts of 1827, Chapter 187, declared it to be lawful for Jesse Matthews, of Rhea County, to have surveyed by the surveyor of the Hiwassie District the vacant fraction of land on which he now lives, adjourning the lands of Lewis Ross, in Rhea County, under the very same rules and regulations which apply elsewhere.
12. Acts of 1829, Chapter 114, released Sally Mapes, of Rhea County, from the payment of any sum due and owing to the State on the southwest quarter of Section 22 in fractional township #2, and the register of the Hiwassie District shall issue to her a grant for the quarter section mentioned.
13. Acts of 1829, Chapter 235, incorporated the residents of Washington in Rhea County and of Pikeville in Bledsoe County, under the Mayor-Alderman form of government. The Sheriff was directed to hold an election for seven aldermen in the city, who would then select one of their number to act as Mayor.
14. Acts of 1829-30, Chapter 49, proclaimed it lawful for any person in Roane and Rhea Counties to enter in the Entry Takers office after January any vacant and unappropriated island in the Tennessee River in the County at the rate of \$5 per acre, and with a gradually decreasing scale of entry fees as time progressed. The County surveyor must, however, survey and work the land and the Entry Taker handle the money as in any other case.
15. Acts of 1829-30, Chapter 159, declared that it had been represented to the General Assembly that a certain parcel of land in Rhea County in the Hiwassie District was unappropriated, and there was no known provision where the said land might be entered, or disposed of. This Act made it the duty of the Surveyor of Rhea county to ascertain by actual survey the quantity of the land involved, and to divide the same into two equal portions between the occupants, Jesse Matthews, and Ezekiel Bates, so as to include the separate improvements on the lot of each one, and they would each pay the regular rates for entering upon land of this sort.
16. Acts of 1831, Chapter 27, released the minor heirs and representatives of James Casey, of Rhea

County, from the payment of the balance of the same yet due and owing to the State on the southeast quarter of a section of the Hiwassie District in Rhea County. The widow's name was Elizabeth.

17. Acts of 1851, Chapter 314, stated that hereafter Rhea County is allowed and shall be entitled to have a Director in the Branch of the Bank of Tennessee at Athens in McMinn County, who shall be appointed as the other Directors are and possess the same power and authority. He shall also be subject to and bound by the limitations and restrictions imposed on the others.
18. Acts of 1859-60, Chapter 76, incorporated John Whalley, R. M. Stephens, Colonel Day, Dr. James E. Godfrey, F. S. Barlow, W. E. Harris, John R. Haines, John S. M. French, John S. Lee, E. A. James, and J. P. Buckner as the Rhea Coal Company with the authority to make its own rules and by-laws for internal management and discipline.
19. Acts of 1869-70, Chapter 49, expressly repealed all the prior laws which created county commissioners for any county in this state and restored all the laws which they may have expressly, or implicitly repealed.
20. Acts of 1875, Chapter 48, empowered the county court of Rhea County at its April meeting in 1875, or at any term thereafter, to elect a notary public for the Second Civil District of Rhea County, who shall have his office in the town of Sulphur Springs.
21. Acts of 1881, Chapter 131, repealed Acts of 1829, Chapter 235, Item 15, above, which incorporated the residents of Washington and Pikeville insofar as the same applied to the town of Washington.
22. Acts of 1897, Chapter 124, fixed the annual salary of the several county officials in a general state law which used the population of the counties to differentiate among the salaries. The officials were deprived of the fees of their offices which became the property of the county. Although this Act was declared unconstitutional in Weaver v. Davidson County, 104 Tenn. 315, 59 S.W. 1105 (1900), it nevertheless furnished many of the features we find in our current salary statutes.
23. Acts of 1901, Chapter 377, repealed Acts of 1895, Chapter 211, which incorporated Spring City in Rhea County, in its entirety.
24. Private Acts of 1937, Chapter 618, validated and confirmed the claim for \$225 filed by R. M. Green against Rhea County for damages done to a private telephone line which was destroyed on his property as the result of the construction of a highway in the said county. The county judge and the county court clerk shall issue a warrant for that amount to Mr. Green.
25. Private Acts of 1937, Chapter 619, validated and legalized the claim of Walter White, former Superintendent of Rhea County Schools, in the sum of \$327, with 6% interest from January 1, 1932 to the date of the approval of this Act, which amount was for services rendered, as the said school superintendent from August until December, 1931. The current superintendent of schools, and the chairman of the board of education were directed to issue a warrant against any funds available to pay the above stated amount plus interest to White.
26. Private Acts of 1937, Chapter 772, also validated, legalized, and confirmed the claim for \$200 filed by Mrs. Mary B. Davis against Rhea County for damages caused to her private property as the result of the construction of a road between Graysville and Dayton. The county judge and the county court clerk were directed to draw a warrant on the general fund of Rhea County for that amount in favor of Mrs. Davis.
27. Private Acts of 1937 (Ex. Sess.), Chapter 6, removed the disabilities of minority and infancy from Betty Jo Rimmer, of Rhea County, who shall henceforth have, possess, and enjoy all the rights and privileges of an adult, including the authority to execute deeds of conveyance and releases for any property which may be due to her from the clerk and master of the chancery court in Dayton.
28. Private Acts of 1945, Chapter 159, stated that the amounts (of salaries) set out in the Circuit Court and Chancery Court Bills, numbered 3680 and 2612, respectively, in Rhea County, identified by using the 1940 Federal Census figures, are hereby ratified, validated, and confirmed. There shall also be provided supplementary allowances in the amount of \$65 a month plus 15 cents a day for postage of those petitioning under the Circuit Court Bill #3680, and \$85 a month plus 35 cents a day postage for those coming under the Chancery Court Bill #2612. Officials shall be reimbursed for postage spent and uncollected at these rates until fully repaid. Total of all fees and compensation shall revert to them for the proper maintenance of their offices. This act was repealed by the one following.
29. Private Acts of 1949, Chapter 36, expressly repeals Private Acts of 1945, Chapter 159, Item 28, above.

30. Private Acts of 1949, Chapter 487, repealed Private Acts of 1937 (Ex. Sess.), Chapter 23, which amended the Charter of the City of Graysville to allow them an additional Justice of the Peace.

## Chapter II - Animals and Fish

### Red Foxes

#### Private Acts of 1955 Chapter 368

**SECTION 1.** That there shall be a closed season upon red foxes at all times, and that red foxes may be chased with dogs at any time of the year except during such periods as may be fixed by the Game and Fish Commission for the protection of the species in all counties of this State having a population of not less than 6,075 and not more than 6,083 inhabitants, according to the Federal Census of 1950 or any subsequent Federal Census; and in all counties of this State having a population of not less than 16,037 and not more than 16,045 according to the Federal Census of 1950 or any subsequent Federal Census.

It shall be lawful for any person to kill a red fox at any time in the counties to which this Act applies when such fox is committing depredations upon livestock, domestic fowls, or crops. Should the Game and Fish Commission determine that there is need for an open season on red foxes in any such county or counties, they shall have the power and authority to open same for such a period of time as they may deem necessary and advisable.

**SECTION 2.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 17, 1955.

**COMPILER'S NOTE:** In accordance with a ruling from the office of the Attorney General, Senate Bill No. 889, which is Private Chapter No. 368, did not require local action in order to become operative.

### Animals and Fish - Historical Notes

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Rhea County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1875, Chapter 114, proclaimed it to be unlawful for anyone to catch fish with seines, nets, or traps, in waters covering the lands of another person in Rhea County, who may halt such actions by a suit at law or by injunction in equity. No one was allowed to place any net, or other obstacle, near the mouth of a stream which would hinder the progress and free passage of fish up and down the same.
2. Acts of 1879, Chapter 133, declared it to be illegal for anyone other than a resident of the counties named, among which was Rhea County, to hunt and kill deer, or any other animal, for profit in those counties, but, all citizens of the State could hunt and kill deer and other animals for their own consumption and use at any time. Fines for violation ranged from \$50 for the first offense to \$100 for second and subsequent offenses. The fines could be enforced before any Justice of the Peace.
3. Acts of 1883, Chapter 43, amended Acts of 1879, Chapter 133, above, by adding Carroll County to the number of counties coming under the provisions to protect game in that Act.
4. Acts of 1889, Chapter 171, was a general State law which outlawed the hunting, killing, and trapping of deer for profit except residents could kill them for their own use and consumption between August I and the following January I between which dates one could also lawfully kill deer for profit, but only on his own land and nowhere else. These same rules were to be applied to quail and partridges except that the open season on them would run between November I and the following March 1. Fines ran from \$5 to \$25 for first offenders and from \$25 to \$50 for others. Rhea County was numbered among those counties exempting themselves from the terms of this act.
5. Acts of 1889, Chapter 179, made it unlawful for any non-resident of the State to hunt, shoot, kill, catch, or carry away game of any kind in the counties of Scott, Fentress, Pickett, Morgan, Cumberland, Bledsoe, Sequatchie, Van Buren, White, Putnam, Rhea, Clay, Campbell, Henry, Johnson, Carter, Sullivan, Meigs and Claiborne.
6. Acts of 1889, Chapter 244, also declared it to be illegal for any non-resident to hunt, kill, or to



capture any wild deer, wild turkey, quail, or partridge, or any species of game, or fish, in Bledsoe, Cumberland, Grundy, James, Meigs, Morgan, Overton, Marion, Rhea, Roane, Sequatchie, Van Buren, Warren, and White counties. It was unlawful for anyone to kill for profit but citizens were allowed to kill for their own consumption and use. Fines were from \$25 to \$100 and a jail sentence could be imposed in the discretion of the Court.

7. Acts of 1893, Chapter 59, declared it to be against the law for any person to hunt, kill, or capture any wild deer in Bledsoe, Cumberland, Rhea, Fentress, White, Hamilton, Warren, Johnson, Hancock, Unicoi, DeKalb and Montgomery Counties from December 1 until September 30 of each year. It was further unlawful for anyone to hunt, kill, or capture, wild turkeys in Bledsoe, Rhea, Fentress, and White Counties from May 1 through October 1 of each year. One could be fined from \$25 to \$50 for non-compliance.
8. Acts of 1893, Chapter 128, amended Acts of 1889, Chapter 179, above, by adding after the word "Claiborne", a provision that nothing in that act shall apply to non-residents of the State hunting in lands in Sullivan County by invitation or permission of the owners.
9. Acts of 1897, Chapter 280, amended Acts of 1895, Chapter 127, a general law of the State, so as to allow people to fish with-nets, traps, baskets, and seines, in the counties of Roane, Scott, Anderson, Morgan, Rhea and McMinn, provided, however, that the mesh of the nets, and the slats on the traps, shall not be more than 1 1/2". No trap shall be constructed as to prevent the free passage of fish at any tide of water up and down the streams.
10. Acts of 1903, Chapter 177, declared it illegal for any owner of hogs, sheep, or goats, to allow the same to run at large in Rhea County, identified by the use of the 1900 Federal Census. Any damage done to another's property by these trespassing animals shall be alien upon them which may be enforced as is any other judgment and execution. The party damaged may also take up and care for these animals and add the expense of that to the damages. The Act is also a misdemeanor for which the guilty can be fined from \$2 to \$5.
11. Acts of 1903, Chapter 382, provided that, in addition to those fences heretofore declared to be lawful by State law, the following shall be also a lawful fence in Rhea County. Four barbed wires, rails, or planks, securely fastened to substantial posts, firmly stationed in the ground, the first wire, board, or rail up 14 inches off the ground, the second ten inches from the first, the third 12 inches from the second, and the fourth 14 inches from the third.
12. Acts of 1905, Chapter 310, amended Acts of 1903, Chapter 382, to provide that such fence laws are to be operative and effective in such counties as may adopt the same by a majority vote of the voters casting ballots which are to be plainly marked "For" and "Against".
13. Acts of 1905, Chapter 316, amended Acts of 1903, Chapter 177, Item 10, above, by striking Section 2 and providing that the Act shall apply only to such counties as may adopt the same by a majority vote of the legal voters at an election to be held by the Election Commission under the general election laws. The ballots shall be simply marked "For" or "Against".
14. Private Acts of 1911, Chapter 121, stated that in addition to the fences heretofore declared to be lawful by the general law of the State, the following shall also be a lawful fence in Rhea County; four barbed wires, rails, or planks, fastened to substantial posts securely imbedded in the earth. The first such wire, rail, or plank shall be 14 inches above the ground, the second 10 inches from the first, the third 12 inches from the second, and the fourth 14 inches from the third. If the fence is barbed wire, the posts shall not be more than 20 feet apart, 10 feet if the fence is a railfence, and only 8 feet if the fence is plank.
15. Private Acts of 1911, Chapter 122, made it unlawful for the owner of hogs, goats, or sheep, to allow the same to run at large in Rhea County. Any damage done shall be a lien on the stock causing it which shall be enforceable before any Justice of the Peace. The damaged party may take up, care for, and feed the trespassing animals and add these expenses to the claim for damages. Offenders may also be fined from \$2 to \$5.
16. Private Acts of 1917, Chapter 656, made it unlawful in Rhea County and Meigs County for any person to shoot any fox, or to destroy the den of any fox, or by means of any snare, trap, or other device, catch, maim, or otherwise injure any such fox. The Act did not prohibit the hunting, or chasing, of foxes with a dog, or dogs, whereby a fox is caught and killed by the dogs; nor shall the Act apply when the fox is a threat to or is injuring poultry or livestock.
17. Private Acts of 1921, Chapter 858, amended Public Acts of 1919, Chapter 61, which was a general state law regulating rather strictly the care and keeping of dogs, and requiring them to be registered, so as to exempt Rhea County from its terms and conditions.
18. Private Acts of 1925, Chapter 253, stated that in the days after the passage of this Act the

Election Commission shall call for and hold an Election in Rhea County to find out the will of the people on the question of the enactment of a stock law for the county. The county will pay the expense of the election, and all qualified voters may vote who have paid their poll tax. The Commissioners shall certify the results of the election within five days to the delegation representing Rhea County in the General Assembly.

19. Private Acts of 1925, Chapter 585, declared it unlawful in Rhea County for the owner, or keeper, of horses, mules, cattle, sheep, goats, or hogs, or any kind of livestock to run at large in the county, but this Act shall not apply to that portion of the County as much as 1800 feet above sea level in altitude. Offenders would be punished by fines running from \$2 to \$10. Any damage done would be a lien against the stock and any other expense incurred in taking up and caring for them could be added to the lien for damages.
20. Private Acts of 1927, Chapter 284, amended Private Acts of 1925, Chapter 585, immediately above, by striking out the figures 1800 in line 11, and inserting the figures 1200 instead which changed the altitude above which the Act would not be applicable.
21. Private Acts of 1929, Chapter 115, proclaimed it to be against the law in Rhea County for any person to shoot any fox, or to destroy the den of any fox, or to snare, trap, or injure foxes, but does not apply to chasing foxes with dogs or hounds, nor when foxes become a menace to one's home, crops, or poultry. It is likewise illegal to buy or sell the pelts of foxes in Rhea County for which the guilty could be fined from \$25 to \$100. This Act was repealed in Item 24, below.
22. Private Acts of 1929, Chapter 458, declared it unlawful in Rhea County for any owner, or keeper, of horses, mules, cattle, sheep, goats, hogs, or any other kind of livestock to allow such animals to run at large. The guilty were subject to fines from \$2 to \$10 and a lien for the damages done could be placed on the stock by the person damaged.
23. Private Acts of 1929, Chapter 616, amended Private Acts of 1929, Chapter 458, above, by making the provisions of that Act applicable to all the land area in Rhea County which was higher than 1200 feet above sea level.
24. Private Acts of 1949, Chapter 35, repealed expressly Private Acts of 1929, Chapter 115, Item 21, above.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Rhea County is included below for reference purposes, although these acts are no longer current. Also referenced below are acts which repeal prior law without providing new substantive provisions.

#### **Bridges**

1. Private Acts of 1935, Chapter 635, was the legal authorization for the Quarterly Court of Rhea County, and Meigs County, to issue up to \$125,000 in bonds at an interest rate not to exceed 5%, and to mature in 20 years, or less, to build a bridge across the Tennessee River between the towns of Decatur and Dayton on or near the present state Highway #30. All the details of a valid bond issue were present in the Act which had to be approved by a referendum vote before becoming effective. The work would be under the State Department of Public Works. Since the bonds would be repaid out of State Gasoline Tax money, no tax was required.

#### **Courthouse**

1. Acts of 1889, Chapter 237, allowed the Rhea County Quarterly Court to issue up to \$50,000 in bonds whose interest rate could not exceed 6%, and which would mature as the Court should decide to build a courthouse and a jail. All the essential details were included among which was the mandatory special tax levy for the sinking fund. All of the above was again subject to approval by the people in a special referendum.
2. Acts of 1891, Chapter 133, allowed the Quarterly Court of Rhea County to issue \$30,000 in 6%, 20 year, bonds, to erect a Courthouse and for Courthouse improvements. Details of the issue are contained in the Act plus the mandatory requirement that a special property tax be levied to pay principal and interest as long as these bonds are outstanding.

#### **Debts**

1. Acts of 1899, Chapter 348, permitted the Quarterly Court of Rhea County to borrow money at an

- interest rate not to exceed 5% and to mature no later than ten years from the date of issue, in an amount sufficient to pay the debts of the County which are evidenced by warrants issued before April 1, 1899, which are yet unpaid, plus any judgments due, and the interest on all of them. All the details of valid bond legislation were present.
2. Private Acts of 1921, Chapter 574, authorized and empowered the County Court of Rhea County in regular sessions assembled to issue and sell its interest bearing negotiable notes up to \$20,000 in any one year to pay the warrants drawn against the General Fund in the payment of the current expenses of the country. Interest rates could not exceed 6%, and all notes were to be paid by April 1 of the year following the issue. Taxes were required to be levied in an amount sufficient to repay the bonds and notes issued hereunder on or before the due date. This Act was repealed in Item 10, below.
  3. Private Acts of 1921, Chapter 817, was the enabling legislation for the County Court of Rhea County to issue up to \$150,000 in interest bearing notes which would mature within five years or less, which money would be used to pay and satisfy the outstanding indebtedness of the County. The interest rate was fixed at 6%, or less, and the details were allowed to be incorporated into a Resolution of the Court. These notes, or bonds, were exempted from taxation by other governmental entities and would be supported by an annual special tax levy so long as they remained unpaid.
  4. Private Acts of 1925, Chapter 341, allowed the Rhea County Quarterly Court to issue the bonds of the County in an amount not to exceed \$177,000, at an interest rate of 5%, or less, and to mature no later than 30 years from issue, to pay off its existing debts represented by outstanding warrants, and judgments, except school warrants. All these things were subject to prior approval by referendum vote of the people, the results of the election being certified to the Court by the Election Commissioners. A tax levy was required and all the essential details were provided.
  5. Private Acts of 1925, Chapter 474, was an enabling Act for the Quarterly Court of Rhea County to issue up to \$100,000 in 5%, 30 year bonds to pay off the debts for the elementary schools which were evidenced by outstanding warrants issued by the County Board of Education for Teachers' salaries, incidental expenses, school buildings, and school grounds. From the proceeds there shall be paid to the Treasurer of the City of Dayton that proportion of the bond issue which the assessed value of the property in that city bears to the whole assessed value of property in the County, these funds being ordered to be kept in a separate account. All the essential details of good bond laws were present in the Act.
  6. Private Acts of 1931, Chapter 469, was the legal authority for the Quarterly Court of Rhea County to borrow up to \$195,000 in money and issue bonds therefore at an interest rate not to exceed 5 1/2%, and to mature no later than 30 years from issue, to pay all the debts of the County evidenced by the outstanding and unpaid county warrants, except school warrants. A tax must be levied and the proceeds produced by it are to be paid on these bonds until they are amortized. The County Trustee will handle all the money and keep the records.
  7. Private Acts of 1933, Chapter 613, amended Private Acts of 1931, Chapter 469, above, by putting the deadline of January 1, 1933 for the warrants which were to be paid off by that bond issue, by raising the limitation on the maximum interest rate from 5 1/2% to 6%, by giving the Quarterly Court the authority to set the maturity dates for the bonds, and by relieving the purchasers of the bonds of the obligation to follow the money, to see that the money is spent for the purposes expressed in the bond covenants. This Act was repealed by Item 8, below.
  8. Private Acts of 1935, Chapter 364, amended Private Acts of 1931, Chapter 469, Item 6, above, by extending the cut-off date for the warrants to be paid to March 1, 1935, by increasing the limitation on the maximum interest rate from 5 1/2% to 6% by allowing the Quarterly Court to set up the maturity schedule for the bonds, by relieving the purchaser of the obligation to follow the money, and by repealing entirely Private Acts of 1933, Chapter 613, above.
  9. Private Acts of 1941, Chapter 213, ratified, confirmed, and validated all the prior proceedings of the Rhea County Quarterly Court in connection with the issue of \$1,175,000, and another issue of \$75,000 in bonds, which also fixed all the details of the issue by Resolution. Officials could proceed with the sale of the bonds and all of the debts which were to be liquidated by the bonds were also confirmed and validated. The Court was permitted to seek assistance from any Federal laws and any lack of statutory authority which may have existed at the time of the issue is hereby cured and for nothing held.
  10. Private Acts of 1949, Chapter 20, expressly repealed Private Acts of 1921, Chapter 574, Item 2, above, which was blanket authority granted to the Quarterly Court to borrow money under certain conditions.

11. Private Acts of 1949, Chapter 356, was the legislative authority for the Quarterly Court of Rhea County to borrow money at an interest rate limited to 6%, or less, for the purpose of meeting appropriations made for the current fiscal year in anticipation of the collection of taxes and revenues in the coming fiscal year. The amount could not exceed 90% of the appropriation. Negotiable notes would have to be issued by the County for the borrowed money which were

### **General**

1. Private Acts of 1931 (Ex. Sess.), Chapter 73, constituted the enabling law which permitted the County Judge and Trustee of Rhea County, to borrow up to \$9,000 for the use and benefit of Rhea County for a period not to exceed six months, but with the option and right to renew for like periods, to enable the County to pay the interest due on bonds which are due to be paid on January 1, 1932. They may execute a note in their official capacities for the amount borrowed and interest.

### **Roads**

1. Acts of 1905, Chapter 106, named W. C. Paine, W. D. Browder, E. T. Waterhouse, W. H. Rogers, and J. D. Ellis, as a Commission in Rhea County who would issue up to \$150,000 in 5%, 20 year, bonds, to lay out, construct, and build roads in the County as the Commission may determine and report to the Quarterly Court, provided, however, the people first approve the program in a referendum, which the Quarterly Court must request the Election Commissioners to hold. All the details were contained in the Act and the tax levy required.
2. Private Acts of 1913, Chapter 343, named M. S. Roddy, James T. Lentz, W. P. Darwin, J. F. Morgan, and W. H. Fox, as Commissioners, to issue bonds not to exceed the aggregate sum of \$250,000 to lay out, build, and construct public roads, provided the program has the prior approval of the people expressed in a referendum election held for that purpose. The interest rate could not exceed 5%, and the maturity schedule was limited to 20 years. The bonds would be sold by the Commissioners named who shall keep proper records and make periodic reports of their transactions. The Quarterly Court must levy a special annual tax to be collected by the Trustee and paid on these bonds as long as they were unpaid. The Commissioners would be paid up to \$2 a day for each day spent in the discharge of their obligations hereunder, plus their reasonable and approved expenses.
3. Private Acts of 1921, Chapter 722, allowed the Quarterly Court of Rhea County to issue bonds not to exceed \$300,000, or so much thereof as may be necessary, to pay the County's share of the cost of constructing a concrete road in said county, having accepted the proposal of the State and Federal Government to do so. The proposed road shall run north from Dayton to the Roane County line in the Tennessee Valley, and south from Dayton through Benson Gap and Mount View Valley and Graysville to connect with Dixie Highway. The interest rate to be paid could not exceed 6%, nor the maturity period exceed 30 years. The Chairman and the Vice Chairman of the County Court, and K. T. Benson, shall supervise the sale of the bonds and the construction of the road. The Trustee will account for the money produced by the mandatory tax levy.
4. Private Acts of 1921, Chapter 757, permitted the Rhea County Quarterly Court to issue up to \$300,000 in 6%, 30 year, bonds, to establish and build lateral pike roads which have been, or may hereafter be, located in Rhea County. All essential details were present in the law. The County Court shall fix the plans by Resolution and govern the application of the program. W. R. Spivey, Floyd Knight, and Carl F. McDonald are named as Lateral Pike Road Commissioners of the County, who shall supervise the sale of the bonds and the construction of the roads. The Commissioners may employ an Engineer, solicit bids and award contracts for the work if all conditions pertinent thereto are met, must keep records of all transactions, file and keep all warrants issued, and serve at the will and discretion of the Court.
5. Private Acts of 1937 (Ex. Sess.), Chapter 30, was the legislative authority for Rhea County, acting through the County Judge and the Road Supervisor to borrow up to \$3,500, or as much as may be necessary, to pay a debt to the J. D. Adams Company of Indianapolis, Indiana, and to execute short term notes for the same. The notes would be due and payable in one year, or less, and at 6% interest, or less. These officials may sell the note in the manner they deem best and all the full faith and credit of the County is pledged to its payment.

### **Schools**

1. Acts of 1893, Chapter 50, was the authority for the City of Dayton in Rhea County to issue up to \$20,000, in 6%, 10 year bonds, to purchase land and to erect and maintain schools. All the essential details and the tax levy were provided. All was subject to the successful outline of a referendum held for that purpose.

2. Private Acts of 1921, Chapter 546, allowed the County Court of Rhea County to issue up to \$75,000 in bonds, at an interest rate not to exceed 6%, and to be repaid within five years from issue, to pay off and to satisfy all the outstanding debts of the, Grammar and the High School systems. These bonds would be general obligation bonds for Rhea County and tax exempt.
3. Private Acts of 1925, Chapter 342, permitted the Rhea County Quarterly Court to issue up to \$35,000 in bonds, at an interest rate of 5%, or less, to mature no later than 30 years from issue to pay off the debts of the County Board of Education evidenced by warrants previously issued to teachers for incidental expenses, and for school buildings. A referendum was required for the approval of the voters prior to the issuance of the bonds and the results certified to the County Court.
4. Private Acts of 1927, Chapter 787, was enabling legislation for the Quarterly Court of Rhea County to issue up to \$50,000 in 5%, 30 year, bonds for the construction and equipment of a High School Building at Dayton. Upon passage of the Resolution incorporating the action of the Court, the Election Commission would hold a referendum for the approval of the people before the bond can be issued. All the details essential to valid bond laws were incorporated.
5. Private Acts of 1929 (Ex. Sess.), Chapter 3, allowed the Rhea County Quarterly Court to issue bonds up to \$150,000 to pay judgments rendered on the Elementary and High School warrants which are yet unpaid, but a proportion of the said bond issue shall be paid to the City of Dayton as the assessed value of the property in the city compared to the assessed value of property in the County. The bonds shall bear interest no higher than 5%, and a maturity date no longer than 30 years. The County Trustee was responsible for handling all the money and records.
6. Private Acts of 1931, Chapter 434, was the legal authority for the County Court of Rhea County to issue up to \$25,000 in bonds at 5% interest, or less, on a maturity schedule not to exceed 30 years, to pay off and satisfy the indebtedness of the County represented by the warrants issued by the Board of Education for teachers, incidental expenses, and school buildings.
7. Private Acts of 1931, Chapter 537, permitted the Rhea County Quarterly Court to issue up to \$55,000 in 5 1/2%, 30 year, bonds to pay off the existing indebtedness for elementary schools as are represented by warrants which are outstanding and unpaid.
8. Private Acts of 1933, Chapter 614, amended Private Acts of 1931, Chapter 537, above, by raising the allowable interest rate from 5 1/2% to 6%, and by extending the same limitations modified in Private Acts of 1931, Chapter 469, by Private Acts of 1933, Chapter 613, which immediately preceded this Act. This Act was repealed in Item 10, below.
9. Private Acts of 1933, Chapter 615, amended Private Acts of 1931, Chapter 434, by adding to the debts to be paid under the bond issue the judgments rendered against the County, by setting January 1, 1933, as the date prior to which the warrants issued would be paid, by raising the lawful rate of interest from 5 1/2% to 6%, by giving the Quarterly Court the right to set maturity dates, and by relieving the purchaser of the bonds of the obligation of following the money to see that it is spent for the authorized purposes. This Act was repealed in Item 11, below.
10. Private Acts of 1935, Chapter 362, amended Acts of 1931, Chapter 537, by moving the cut-off date for the warrants eligible to be paid forward to March 1, 1934, by again raising the interest rate from 5 1/2% to 6%, and by giving the Quarterly Court the discretion to set the amount of each debt to be paid and the schedules at which the bonds issued would mature. This Act specifically repeals Private Acts of 1933, Chapter 614, Item 8, above.
11. Private Acts of 1935, Chapter 363, amended Private Acts of 1931, Chapter 434, Item 6, above, so as to include judgments rendered on any school warrant among the debts eligible for payment, by extending the time before which warrants must be issued to be eligible for payment to March 1, 1935, by putting the interest at 6%, and by granting the Quarterly Court the same range of discretion as was granted in prior instances in regard to the amount to be paid and the maturity schedules. This Act repeals Private Acts of 1933, Chapter 615.
12. Private Acts of 1949, Chapter 355, validates, confirms and legalized two notes made for loans in Rhea County. The first note was dated on March 19, 1949, in the amount of \$30,000, payable to the Dayton Bank and Trust Company, and the other was for \$20,000, same date, payable to the Bank of Spring City, both notes bearing 4% interest, which money obtained thereby was used to cover the deficit of the Public School Account in Rhea County.

## Chapter IV - Boundaries

# Creation of the County

## Acts of 1807 Chapter 90

**SECTION 1.** By the General Assembly of the State of Tennessee, that from and after the passing of this act, Roane County shall be bounded on the southwest by the following line, viz. Beginning on the north bank of Tennessee, at the end of the ridge that divides the waters of White's creek from those of Piney river; thence along said ridge, to Wallen's ridge; thence north forty five west to Overton county line.

**SECTION 2.** That all that tract of country lying within the following described bounds, shall be, and is hereby made and constituted a new and distinct county, by the name of RHEA: Beginning at a point on the above described line of Roane County, on the extreme height of the mountain dividing the waters of Sequachy, from those of Tennessee; thence along the top of said mountain, leaving all the waters running through said mountain in the county of Rhea, to the river Tennessee; thence up the meanders of said river to the beginning.

**SECTION 3.** That all that tract of country lying within the following described bounds shall be, and is hereby made and constituted a new and distinct county, by the name of BLEDSOE, viz. Beginning on the northwest end or comer of Rhea county, where it strikes the road leading to West Tennessee; thence north forty-five west, to Overton county line; thence southwardly with said line, to White county line, and with that line to the southern boundary of this state; thence eastwardly with said line to the comer of Rhea county line; thence with said line to the beginning. **SECTION 4.** That Thomas Moore, Joseph Brooks and John Henry, are hereby appointed commissioners to fix on the most suitable place for holding courts in said county of Rhea, until further provision is made by law.

**SECTION 5.** That for the due administration of justice, that the court of pleas and quarter sessions, shall be held in and for the county of Rhea, on the fourth Mondays of March, June, September and December; and that the first court shall be holden on the first Monday of December; and the justices for said county shall hold their respective courts at the place that shall be fixed upon by the commissioners, until otherwise provided for by law, and shall have and exercise the same powers and jurisdiction as are or shall be prescribed by and for the courts of the several counties in this state.

**SECTION 6.** That the said county of Rhea, be, and the same is hereby declared a part of the district of Hamilton, in the same manner and for all purposes, civil, criminal and military, in as full and ample a manner as any county in this state, and shall send two jurors to the superior court of said district.

**SECTION 7.** That nothing herein contained shall be so construed as to prevent the collector of public taxes of Roane County to collect the taxes for the year of one thousand eight hundred and seven, and all arrearages of taxes.

**SECTION 8.** That John Tollet, Joseph Hoge and James Standefer, are hereby appointed commissioners to fix on the most suitable place for holding courts for Bledsoe County, until otherwise provided for by law.

**SECTION 9.** That for the due administration of justice, that the court of pleas and quarter sessions shall be held in and for the county of Bledsoe, on the first Mondays of April, July, October and January; and the justices for said county, shall hold their respective courts at the place that shall be fixed upon by said commissioners, until otherwise provided for by law, and shall have and exercise the power and jurisdiction as are prescribed by and for the courts of the several counties in this state.

**SECTION 10.** That said county of Bledsoe be, and the same is hereby declared a part of the district of Hamilton, in the same manner and for all purposes, civil, criminal and military, in as full and ample manner as any county in this state, and shall send two jurors to the superior court of said districts.

**SECTION 11.** That nothing herein contained shall be so construed as to prevent the collector of public taxes of Roane County from collecting the taxes for the year eighteen hundred and seven, and all arrearages of taxes.

**SECTION 12.** That a majority of the acting justices of the counties of Rhea and Bledsoe, when in session, shall have power, and are hereby authorized and required, to lay a county tax, not exceeding twelve and one half cents on each hundred acres of land liable to taxation; twelve and one half cents on each white poll; twenty five cents on each black poll; fifty cents on each stud horse, kept for covering mares; said tax to be laid from year to year, until otherwise provided for by law.

**SECTION 13.** That the election for governor, representatives to congress and members to the general assembly, shall be held at their respective places of holding courts, in the counties of Rhea and Bledsoe, by the sheriffs or their deputies, under the same rules and regulations as are prescribed by law, and on the same days which elections for such purposes, are authorized to be held; and those citizens of Rhea and Bledsoe counties, formerly citizens of Roane County, shall be entitled to vote in their respective

counties.

**SECTION 14.** That it shall be the duty of the returning officers for the counties of Rhea and Bledsoe, to meet the returning officer of Roane county, in Kingston, on the succeeding Monday, with the number of their respective polls, and with him compare the same; and the returning officer of Roane, those duly elected members of the general assembly, and give certificates accordingly; and it shall be the duty of said sheriff to transmit a just statement of the polls of election for governor and representatives to congress, to the speaker of the senate, in the same manner as by law directed.

**SECTION 15.** That the sheriff of the county of Rhea, shall open and hold an election at the place of holding court in said county, on the second Friday and Saturday in January next, for the purpose of electing field officers of the militia in said county; and the militia of said county shall compose the thirtieth regiment of the militia of this state, and be attached to the third brigade.

**SECTION 16.** That the sheriff of Bledsoe county shall open and hold an election at the place of holding court in said county, on the third Friday and Saturday in February next, for the purpose of electing field officers of the militia of said county; and the militia of said county shall compose the thirty-first regiment of the militia of this state, and shall be attached to the third brigade.

Passed: November 30th, 1807.

## Change of Boundary Lines

### Acts of 1817 Chapter 13

**SECTION 1.** That from and after the passage of this act, the boundaries of Rhea County shall be as follows, (to wit), beginning on the South Bank of Tennessee River, opposite the mouth of White's Creek in Rhea County, thence South thirty degrees East, to the southern boundary line of this State, thence West with said boundary line to a point opposite the mouth of Opossum creek that -empties in on the north side of said river; thence a direct line to the mouth of said creek; thence north thirty degrees West to the extreme height of Waldens Ridge, thence east, with Bledsoe county line, until it intersects Roane County or Whites creek; thence down said creek, as it meanders, to the beginning.

**SECTION 2.** That the lines and boundaries that are set forth in the first section of this act, shall be known and declared to be the established bounds of said county; hereby repealing all laws heretofore passed on the subject of designating the bounds of said county, any thing to the contrary notwithstanding.--Provided, nothing herein contained shall be so construed as to authorize the making of any entry or survey, within the bounds hereby included in the county of Rhea, to which the Indian title is not at present extinguished, until the same shall hereafter be directed by law.

Passed: October 9, 1817.

### Acts of 1819 Chapter 3

**SECTION 1.** That the boundary lines of the county of Rhea, shall be as follows to wit: beginning at the mouth of the first creek above the Cherokee Agency, that empties into Hiwassee River, on the north bank; thence down the said river to its confluence with the Tennessee River; thence down said river including Jollys Island in said county, to the line of the county of Hamilton; thence with the line of Hamilton county to the Bledsoe county line; thence with said county of Bledsoe to the county of Morgan; thence with said county of Morgan to the county of Roane; thence with the line of the county of Roane to Whites Creek; thence down said creek to the mouth thereof crossing Tennessee River and running south forty five degrees east, eight miles from the mouth of said creek; thence due south to the top of the ridge dividing the waters of Soowee Creek from those of Mouse Creek; thence along the top of said ridge to the head of the creek that runs to the beginning; thence down said creek to the beginning.

**SECTION 2.** That the boundary lines of the County of Roane shall be as follows, to wit: beginning at a point on the south side of Tennessee river opposite the mouth of Whites Creek, then south forty-five degrees east ten miles; then a direct line, to a chain of ridges four miles south of Browders ferry on the Big Tennessee river; then with said chain of Ridges to the mouth of Holston river.

**SECTION 3.** That John W. Brazeal is hereby appointed a surveyor, to run and mark the said lines of Roane County in the manner pointed out in this act, and that the county court of Roane County, are directed to make him such allowance for running said line, as they may think proper, to be paid out of any monies in the hands of the trustee of said county of Roane, not otherwise appropriated.

**SECTION 4.** That the surveyor shall be appointed, by the county court of Rhea county, to run and plainly mark the lines of said county Rhea, where they are not bounded by natural boundaries, or the lines of

other counties, and that said court, shall make the surveyor such allowance as they may think proper, to be paid by the trustee of said county of Rhea out of any monies in his hands not otherwise appropriated.

**SECTION 5.** That all laws and parts of laws, coming within the preview and meaning of this act, be, and the same are hereby repeated, and that this act shall be in force from and after the passing thereof.

Passed: November 19, 1819.

## Acts of 1821 Chapter 73

**SECTION 1.** That the line dividing Bledsoe and Rhea counties shall be as follows, (to wit); beginning in a point on the northern boundary line of Hamilton county, near where the road from Keedy's Gap to Washington crosses the head of Sale Creek; running thence up the general course of Walden's ridge of Cumberland mountain, so as to cross Richland Creek at the bridge on the Kincah turnpike road; thence to cross Loony's turnpike road so as to include the former residence of Richard Walker on said road in the county of Bledsoe; thence a direct line to the old Cumberland turnpike road, to T. Bound's turnpike gate, and that all persons residing near to, and south of Morgan, and west of said line shall belong to the county of Bledsoe.

**SECTION 2.** That said line shall be run and marked at the mutual expense of Bledsoe and Rhea Counties.

Passed: September 28, 1821

## Acts of 1821 Chapter 169

**SECTION 1.** That the line running between the counties of Rhea and Hamilton, shall commence at a point one half mile below Blythe's ferry, and run across the Valley to the Mountain, so as to run between the lands of Benjamin Jones and John Russell, thence up the foot of the said mountain to the line of said counties as now run and marked.

**SECTION 2.** That the dividing line between the counties of Hamilton and Marion shall be as follows, (to wit:) Beginning on the South east comer of Bledsoe county, thence along the extreme height of the mountain to the head to Suck Creek, thence down said creek to the mouth thereof, thence due south to the southern boundary of the state.

Passed: November 19, 1821.

## Acts of 1833 Chapter 214

That the line dividing the counties of Rhea and M'Minn, shall continue from the south bank of Hiwassee river, crossing said river opposite to the foot of the first large ridge, above the mouth of Prive's creek, thence along the extreme height or top of said ridge, as it meanders until it strikes the south line of the top of said ridge, which runs from the eight mile tree or stake from the mouth of White's creek, as established by the act of 1819, fixing the lines between the counties of Rhea and Roane, leaving John Igon's plantation, William Moore's plantation, Matlock's Mills, and the whole of the back valley so called and its meanders on the north side in Rhea county: Provided, however, nothing herein contained shall prevent the county court of Rhea from levying a county tax on the persons and property of such citizens as reside within the territory hereby annexed to the county of M'Minn, for the year 1834, or the collecting officer of Rhea County from collecting the State and county tax in said territory for the year 1834, in such manner as he might or could have done if this act had not passed: And provided, further, the citizens residing in the territory aforesaid, shall not be subject to the payment of tax of any kind, in the county of M'Minn for the said year of 1834, nor shall the county court of M'Minn be authorized to levy any jail or court house tax, upon real property, actually settled at the passage of this act, lying within the territory aforesaid, for and during the term of ten years: And provided also, the dividing line as designated in this act, shall be run and marked by John Locke of Rhea county, at the proper expense of M'Minn County, should the county court of M'Minn require the same to be done by an order of court, and a copy thereof duly served upon the said John Locke.

Passed: November 28, 1833.

## Boundaries - Historical Notes

The following is a summary of acts which authorized boundary changes for Rhea County.

1. Acts of 1807, Chapter 9, stated that Rhea County would begin on the north bank of Tennessee, at the end of the ridge that divides the waters of White's creek from those of Piney river; thence along said ridge, to Wallen's ridge; thence north forty five west to Overton county line.



2. Acts of 1809, Chapter 20, stated that the line which divides Rhea County from Roane County, and Bledsoe County, shall begin on the north bank of the Tennessee River at the mouth of Whites Creek; thence up White's Creek, as it meanders, to the place where the road leading from Knoxville to Nashville crosses the main fork of said Whites Creek; thence north, forty west, to the Overton County line. Nothing in this Act shall be construed to preclude the Sheriff of Roane County from collecting the State, County, and poor tax due in that part of Rhea and Bledsoe Counties.
3. Acts of 1815, Chapter 75, stated that all that part of Rhea County lying north and east of the following described line, that is, beginning at White's Creek near Matthew English's saw mill, at the mouth of Crab Orchard Creek, thence running up said creek to the mouth of Burkes's Creek, thence a direct course to the new corner of Roane County, at the line of Overton County, is hereby declared to be and made a part of Roane County.
4. Acts of 1815, Chapter 200, extended the boundaries of Roane County and used the boundary lines of Rhea County as part of the description but this Act apparently does not affect the area of Rhea County.
5. Acts of 1817, Chapter 13, provided that Rhea County begin on the South Bank of Tennessee River, opposite the mouth of White's Creek in Rhea County, thence South thirty degrees East, to the southern boundary line of this State, thence West with said boundary line to a point opposite the mouth of Opossum creek that empties in on the north side of said river; thence a direct line to the mouth of said creek; thence north thirty degrees West to the extreme height of Waldens Ridge, thence east, with Bledsoe county line, until it intersects Roane County or White's creek; thence down said creek, as it meanders, to the beginning.
6. Acts of 1819, Chapter 3, stated that the boundary lines of the county of Rhea, shall be as follows to wit: beginning at the mouth of the first creek above the Cherokee Agency, that empties into Hiwassee River, on the north bank; thence down the said river to its confluence with the Tennessee River; thence down said river including Jollys Island in said county, to the line of the county of Hamilton; thence with the line of Hamilton county to the Bledsoe county line; thence with said county of Bledsoe to the county of Morgan; thence with said county of Morgan to the county of Roane; thence with the line of the county of Roane to Whites Creek; thence down said creek to the mouth thereof crossing Tennessee River and running south forty five degrees east, eight miles from the mouth of said creek; thence due south to the top of the ridge dividing the waters of Soowee Creek from those of Mouse Creek; thence along the top of said ridge to the head of the creek that runs to the beginning; thence down said creek to the beginning.
7. Acts of 1821, Chapter 73, stated that the line dividing Bledsoe and Rhea counties shall be as follows, (to wit); beginning in a point on the northern boundary line of Hamilton county, near where the road from Keedy's Gap to Washington crosses the head of Sale Creek; running thence up the general course of Walden's ridge of Cumberland mountain, so as - to cross Richland Creek at the bridge on the Kincah turnpike road; thence to cross Loony's turnpike road so as to include the former residence of Richard Walker on said road in the county of Bledsoe; thence a direct line to the old Cumberland turnpike road, to T. Bound's turnpike gate, and that all persons residing near to, and south of Morgan, and west of said line shall belong to the county of Bledsoe.
8. Acts of 1821, Chapter 169, provided that the line running between the counties of Rhea and Hamilton, shall commence at a point one half mile below Blythe's ferry, and Benjamin Jones and John Russell, thence up the foot of the said mountain to the line of said counties as now run and marked.
9. Acts of 1833, Chapter 16, extended the Jurisdiction of the State over a portion of the Cherokee Indian Reservation and thereby enlarged the areas of several counties, including Rhea. The Act provided, among other things, that the county of Rhea, in addition to its present limits, shall commence at the point where Hamilton County terminates on the bank of the Tennessee River, as provided in this Act, running thence along said line to the house now occupied by Wilson Evans, thence a direct line to a point on the Hiwassee River, opposite the first large ridge above the mouth of Price's Creek.
10. Acts of 1833, Chapter 214, provided that the line dividing the counties of Rhea and M'Minn, shall continue from the south bank of Hiwassee river, crossing said river opposite to the foot of the first large ridge, above the mouth of Prive's creek, thence along the extreme height or top of said ridge, as it meanders until it strikes the south line of the top of said ridge, which runs from the eight mile tree or stake from the mouth of White's creek, as established by the act of 1819, fixing the lines between the counties of Rhea and Roane, leaving John Igon's plantation, William Moore's plantation, Matlock's Mills, and the whole of the back valley so called and its meanders on the

north side of Rhea county.

11. Acts of 1837-38, Chapter 259, changed the boundaries between Rhea and Roane Counties so as to include the land and possessions of Leonard C. Nance wholly within Roane County. If the County Court of Roane County desires, they may appoint someone to run and mark the line between and pay him a reasonable compensation.
12. Acts of 1849-50, Chapter 82, rearranged the boundary lines between Rhea County and Hamilton County commencing at a Black Walnut and Hickory on the eastern fork of the said creek, down the creek 40 poles to a stake north, 75 west, to the fork of the said creek, thence up the said creek to the turnpike road, west with the road to the Bledsoe County line so as to include John Gray and Roman Quarles in Rhea County.
13. Acts of 1857-58, Chapter 83, changed the boundaries between Rhea County and Bledsoe County beginning at the Pole Bridge Creek and running in a southwesterly direction so as to include B. F. Bridgeman's farm, and to intersect the established line at a white oak, black oak, and hickory, known as the old comer of Rhea, Hamilton, and Bledsoe Counties.
14. Acts of 1859-60, Chapter 211, rearranged the lines between Rhea County and Cumberland County so as to embrace all the land belonging to the estate of Thomas J. Gillespie, deceased, in Rhea County.
15. Acts of 1867-68, Chapter 23, had a partial metes and bounds description of the involved area but the effect of the Act was to include the farm of Mrs. Ann Russell, the farm of the heirs of John Gray, deceased, the farm of Mrs. Nancy McGill, the farm of Alexander Hickman, and the farm of F. M. Bowers, which were all formerly located in Hamilton County, in Rhea County.
16. Acts of 1879, Chapter 137, changed the lines between Rhea County and Hamilton County which divides the farm of James A. Kelly, so as to make the same run from a stake on the county line comer to J. W. Pearce's land, thence with the said Pearce's line southwest to William Nash's line, thence with Nash's line to the county line, so as to include the farm of James A. Kelly wholly within Rhea County.
17. Acts of 1881, Chapter 143, changed the lines between Bledsoe County, Rhea County, and Hamilton County so as to attach the lands of James Sladen to Bledsoe County. See case of McMellan v. Hannah, 106 Tenn. 691, 61 S.W. 1020 (1901), declared this act to be unconstitutional in Cheatham County because Cheatham County was under the land area requirements for counties as established in the Constitution to begin with, but the unconstitutionality would not affect Rhea County.
18. Acts of 1889, Chapter 25, moved all the lands and improvements belonging to Oxshee John Thurman out of Rhea County and into Bledsoe County.
19. Acts of 1889, Chapter 140, changed the boundary line between Rhea County and Hamilton County commencing at a point where Theodore Flora's line crosses the said county line, thence with the said Flora line with its different degrees so as to include all the lands of Theodore Flora and Peter B. Clouse, about 30 acres, more or less, in Rhea County entirely.
20. Acts of 1903, Chapter 41, detached the farm of J. R. Swafford, lying partly in the 10th Civil District of Rhea County, from Rhea County and attached all the same to Bledsoe County.
21. Acts of 1903, Chapter 54, is an exact duplicate of Acts of 1903, Chapter 41, above, which involved the property of J. R. Swafford.
22. Public Acts of 1982, Chapter 682, transferred, four parcels of land from Hamilton County into Rhea County which were located near the old Hart Turnpike where it intersects with the Bledsoe County line. They were 6.6 acres belonging to Edgar and Bobbie Long in Graysville, 25 acres owned by Anthony and Diane Knox, in Graysville, 31 acres belonging to Howard and Wilma Bowman, in Graysville, and 28 acres owned by Charles and Carolyn Bryant in Chattanooga, Tn.

## Chapter V - Court System

### General Sessions Court

### Family Court

### Private Acts of 1997 Chapter 92

**SECTION 1.** The Judge of the General Sessions Court of Rhea County upon being elected and qualified as judge of such court shall also be judge of the Family Court of Rhea County, hereinafter referred to as the Family Court.

**SECTION 2.** The Family Court is a court of record, and such court shall convene and be held five (5) days per week for fifty (50) weeks per year, excluding legal holidays, and at such other times and periods as required to provide for the orderly dispatch of all business properly before it. Such court shall be in continuous session without the intervention of any term, and such court shall be held when required to provide for the orderly dispatch of all business properly before it.

**SECTION 3.** (a) The Family Court shall have jurisdiction in all juvenile cases, proceedings, and all powers, duties and authority as provided by general law relative to the jurisdiction, authority, conduct, procedure, powers, duties and appellate review of the Juvenile Courts.

(b) The Juvenile Court Judge of Rhea County is hereby divested of all jurisdiction and authority, and all juvenile cases and proceedings, and all other matters involving incompetence, guardianship or conservatorship, and all other judicial functions presently or heretofore exercised by the Juvenile Court Judge of Rhea County; such jurisdiction and authority is hereby transferred to the Family Court.

**SECTION 4.** (a) The Family Court shall have concurrent jurisdiction, powers and authority with the Chancery and Circuit Courts to hear and determine all cases of divorce, annulment, alimony and separate maintenance, support under interstate compacts, domestic relations, and all other proceedings and all other relief incident thereto together with full power and authority conferred upon the Chancery and Circuit Courts to enforce all its orders, decrees and judgments.

(b) The authority, power and jurisdiction conferred by this act shall be coextensive with the boundary lines of the county.

**SECTION 5.** Appeals from the judgments of the Family Court arising under this act shall be to the Court of Appeals or to the Supreme Court in the same manner as provided in such cases from the Chancery and Circuit Courts.

**SECTION 6.** All cases brought in the Family Court pursuant to this act shall be according to the form for pleadings and practice in the Chancery and Circuit Courts, and such cases shall be tried as like cases are tried in the Chancery and Circuit Courts. The Clerk of the Family Court, shall keep a docket of cases filed in such court and the procedure in each case, and shall enter orders and decrees according to practice and rules of the Chancery and Circuit Courts. The Judge of the Court shall make and cause to be entered on record all such orders and decrees according to the practice and rules now in effect in the Chancery and Circuit Courts.

**SECTION 7.** The Judge of the Family Court shall be a licensed attorney and shall have the qualifications required for the courts of record provided in Tennessee Code Annotated, Section 17-1-106. Such Judge shall take and subscribe to the same oath provided by law for Chancellors and Circuit Court Judges. The oath shall be taken and filed in the same manner and with the same officers as prescribed for Chancellors and Circuit Court Judges.

**COMPILER'S NOTE:** Private Acts of 1998, Chapter 157 amended Private Acts of 1997, Chapter 92 by adding a new Section, but failed to provide a specific location. The following is new Section 8 and the remaining sections have been renumbered.

**SECTION 8.** (a) Effective September 1, 1998, the base salary for the judge of the court is fifty-three thousand three hundred five dollars (\$53,305) a year. The supplement for juvenile jurisdiction is twenty thousand dollars (\$20,000) a year. The supplement for domestic relations jurisdiction is ten thousand dollars (\$10,000) a year.

(b) On July 1, 1999, and each succeeding July 1, the base salaries as adjusted annually and supplements as adjusted annually established by this section shall be adjusted in accordance with the provisions of Tennessee Code Annotated, § 8-23-103. (c) The compensation, supplement and annual adjustment provisions of this act are to be construed as the only compensation for the Judge of the General Sessions and Family Court of Rhea County.

As amended by: Private Acts of 1998, Chapter 157.

**SECTION 9.** The Judge of the Family Court is prohibited from the practice of law in the State Courts or any other courts, and may not engage in the practice of law in any other capacity notwithstanding any other laws, general or private, to the contrary.

**SECTION 10.** The Family Court may hear and determine all undisposed cases over which jurisdiction is conferred by this act and which are pending in the courts on the effective date of this act. Such cases shall be treated as if they had originated in the Family Court.

**SECTION 11.** The Circuit Court Clerk shall be the Clerk of all matters filed in the Family Court and all fees received by the Clerk shall continue to be a part of the fees of the office. Necessary clerical help for the Clerk shall be funded from the County General Fund. The Clerk shall make application to the Judge of the Family Court or to the Chancellor or the Circuit Court for authority to employ such help as is justified. Rhea County shall furnish the Clerk adequate office space and equipment for the conduct of the affairs of the office.

**SECTION 12.** Chapter 67 of the Private Acts of 1981, as amended by Chapter 197 of the Private Acts of 1992, is repealed.

**SECTION 13.** If any provisions of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the act which and can be given effect without the invalid provision or application, and to this end, the provisions of this act are declared to be severable.

**SECTION 14.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Rhea County. Its approval or nonapproval shall be proclaimed by the Presiding Officer of the County Legislative Body and certified to the Secretary of State.

**SECTION 15.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective September 1, 1998, upon being approved as provided in Section 14.

Passed: May 29, 1997

## Probate Court

### Private Acts of 1982 Chapter 374

**SECTION 1.** Effective ten (10) days after this Act has been approved by the county legislative body, exclusive jurisdiction in all matters relating to the probate of wills and the administration of estates and related matters in Rhea County heretofore vested in the Chancery Court or other courts shall be vested in the General Sessions Court of Rhea County.

**SECTION 2.** All probate matters pending in the court or courts exercising probate jurisdiction in Rhea County prior to the effective date of this act, except those matters which have been heard and taken under advisement, shall be transferred to the Rhea County General Sessions Court at the close of business on the day preceding the day this Act becomes effective. On such date, all official books, records and other documents pertaining to a probate matter in Rhea County shall be delivered to the general sessions court and the chancery court or other court exercising probate jurisdiction in Rhea County shall be divested of such jurisdiction.

**SECTION 3.** The Rhea County clerk shall serve as the clerk of the General Sessions Court in all matters relating to its probate jurisdiction. The county clerk in Rhea County shall be authorized and empowered to grant letters of administration and letters testamentary, appoint administrators and executors, receive and adjudicate all claims, probate wills in common form, determine allowances to the surviving spouse and family of the deceased, preside over the assignment of homestead, preside over proceedings for the elective share pursuant to Tennessee Code Annotated, Section 31-603, take and state all accounts and settlements, direct and approve all final distributions, and hear and determine all probate matters, whether herein enumerated or not. All accounts, settlements and final orders of distribution shall be made subject to the approval of the General Sessions Judge. The General Sessions Judge shall hear all probates in solemn form and may hear such other probate matters as he deems proper. All action taken by the county clerk shall be subject to review by the General Sessions Judge by simple motion, petition, or the filing of exceptions as may be appropriate.

**SECTION 4.** Except as provided in Section 2, by the close of business on the day preceding the day this Act takes effect, the Clerk and Master of Rhea County shall deliver all official books, records and other documents pertaining to a probate matter in such county to the Rhea County Clerk and on such date the clerk and master shall be divested of any power and authority pertaining to a probate matter in such county.

**SECTION 5.** The Rhea County clerk shall keep separate records, dockets, minute books and rule dockets for all probate matters within the jurisdiction of the General Sessions Court.

**SECTION 6.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Rhea County. Its approval or nonapproval shall be proclaimed by the presiding officer of

the Rhea County legislative body and certified by him to the Secretary of State.

**SECTION 7.** For the purpose of approving or rejecting the provisions of this Act. it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect upon being approved as provided in Section 6 unless another date is specified by this Act.

Passed: April 8, 1982.

## Court System - Historical Notes

### **Board of Jury Commissioners - Jurors**

The following act once affected jurors or boards of jury commissioners in Rhea County, but is no longer operative.

1. Private Acts of 1939, Chapter 401, created a three member Board of Jury Commissioners for Rhea County, composed of discreet people, householders, who would be appointed by the Circuit Judge, or the Judge having criminal Jurisdiction, who would be sworn according to the oath contained in the Act and organize by choosing a Chairman. The Circuit Court Clerk would be the Clerk and also be sworn with the oath in the Act. The Board would select from the taxrolls, or some other source of public information, a list of reputable people not to be less than one-eighth of the number of votes cast in the last presidential election but the names chosen shall not be less than 250 or more than 1,000, who shall be the Jurors for the next two years. The Clerk shall secure a well-bound book and the names selected shall be entered in this book in alphabetical order, and certified at the end by all three members of the Board. The names were also to be placed on cards, or scrolls, placed in a box which would be sealed and locked and never opened except in the presence of the Board and then only to draw names. From ten to fifteen days before the term of Court was to open, the box would be brought out, shaken, and a child under ten years of age would draw out of the box the number of names needed for jurors for that term of Court, or the number of jurors as may be ordered and determined by the Court. These names would be placed in an envelope and delivered to the Judge by the Chairman of the Board. These names also were to be recorded in the book. The jury panel hereby drawn, if exhausted before adequate juries are obtained, would be replaced by another panel chosen in the same way. Three days before Court would open, the Sheriff would summon those selected who could be excused only by the Judge and then only for the reasons set out in the Act.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Rhea County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.

1. Acts of 1822, Chapter 13, directed that one of the Judges of the Supreme Court shall hold a Court of Equity at least once each year at the same place the Supreme Court is held. Terms shall be for two weeks unless the docket is completed sooner. The Court at Rogersville would be on the first Monday in November, at Charlotte on the fourth Monday in December, at Sparta on the second Monday in December, at Nashville on the fourth Monday in January, and at Columbia on the second Monday in January.
2. Acts of 1824, Chapter 14, make it the duty of the Justices of the Supreme Court to arrange among themselves to hold a Chancery Court at least twice each year at Greeneville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia and Charlotte. Terms would last for two weeks unless the dockets were cleared up sooner than that. The Chancery Court at Kingston would hear cases from the Counties of Knox, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn, Monroe, and Blount, on the first Monday in June and December.
3. Acts of 1827, Chapter 79, divided Tennessee into two Chancery Divisions over which two Chancellors, appointed by joint ballot of both Houses of the General Assembly, would preside. The dockets and all process shall be made to conform to this Act. The Eastern Division had in it the Chancery Courts at Rogersville, Greeneville, Kingston, Carthage, and McMinnville. The Western Division was made up of Chancery Courts at Franklin, Columbia, Charlotte, Jackson, and Paris.
4. Acts of 1827, Chapter 88, allowed the Chancellors to interchange among themselves but to hold court twice each year on the Eastern Division at Kingston for the counties of Knox, Blount, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn and Monroe, on the first Monday in June and December which would continue for two weeks, if needed.
5. Acts of 1835-36, Chapter 4, pursuant to the 1835 State Constitution, divided Tennessee into three Chancery Divisions over each of which a Chancellor would preside. There would be at least two

terms of Court each year. The Divisions were further broken down into Districts. The 8th District of the Eastern Division was composed of the counties of Bledsoe, Hamilton, Marion, and Rhea and the Court would be held at Pikeville on the second Monday of June and December.

6. Acts of 1853-54, Chapter 55, changed the terms for the Chancery Court in several counties including Robertson, Humphreys, Dickson, Maury, Blount, Monroe, Wayne, McNairy, Sumner, Stewart, Montgomery, and Rhea whose Courts would meet on the first Monday in May and November.
7. Acts of 1857-58, Chapter 88, divided the State into the Eastern, Middle, Western, Fourth, Fifth and Sixth Chancery Divisions. The Fifth Division was composed of the Chancery Courts in the Counties of Polk, McMinn, Bradley, Hamilton, Marion, Cumberland, Bledsoe, White, Overton, Fentress, Scott, Morgan, Roane, Meigs, BlouM Monroe, and Rhea whose court terms would begin on the fourth Monday in April and October in Washington.
8. Acts of 1870, Chapter 32, organized the Chancery Courts of Tennessee into twelve Chancery Divisions, placing the Counties of Polk, McMinn, Meigs, Rhea, Cumberland, Bledsoe, Sequatchie, Marion, Hamilton, Bradley, and the special court at Chattanooga in the 12th Chancery Division.
9. Acts of 1870, Chapter 47, scheduled the terms of the Chancery Court for every county in the State of Tennessee. Rhea County would commence the terms of the Chancery Court on the third Monday in March and September.
10. Acts of 1870-71, Chapter 40, changed the terms of the Chancery Courts in the Third Chancery Division. Rhea's Chancery Court would hereafter start its terms on the Thursday after the second Monday in March and September.
11. Acts of 1879, Chapter 106, reset the starting dates for the Chancery Court of Rhea County to begin on the third Monday in March and September, all process being made to conform to the change.
12. Acts of 1883, Chapter 34, rescheduled the opening dates for the terms of the Chancery Court in all the Counties of the third Chancery Division including James, Meigs, Bradley, Polk, Marion, Bledsoe, Sequatchie, Hamilton, McMinn, Monroe, and Rhea Counties. Rhea's Chancery Court would begin on the first Monday in April and October.
13. Acts of 1885 (Ex. Sess.), Chapter 20, was the next complete revision of the lower Judicial system of the state. Eleven Chancery Divisions were formed of which the Third Division was made up of the counties of Bradley, Polk, Rhea, Marion, McMinn, Hamilton, James, Monroe, Meigs, Bledsoe, Sequatchie, Van Buren, Coffee, and Grundy. The two court terms would begin in Rhea County on the first Thursday after the fourth Monday in March and September. This Act was part of the litigation in *Flynn v. State*, 203 Tenn. 341, 313 S.W.2d 249 (1958).
14. Acts of 1887, Chapter 13, made some changes in Hamilton County and in Section 10 rescheduled the terms of the Courts in the Third Chancery Division. Rhea County would convene the Chancery Court on the fourth Monday in March and the first Monday in October.
15. Acts of 1889, Chapter 13, reset the terms of the Chancery Courts in the Third Chancery Division switching Rhea County to the first Monday in April and October. Clerks would make the changes necessary to comply herewith.
16. Acts of 1891, Chapter 73, amended Acts of 1889, Chapter 13, above to change some of the Chancery Court terms. Rhea County would commence Chancery Court terms on the second Monday in January and July.
17. Acts of 1895, Chapter 37, changed the dates of the Chancery Court terms in Franklin, Grundy, Rhea, and Polk Counties. Rhea County would take up the Chancery Court docket on the first Monday in February and August, all process being directed to conform to those dates.
18. Acts of 1899, Chapter 427, was the next major revision of the entire lower court system in Tennessee. Ten chancery divisions were formed for the state. The Third Chancery Division contained the counties of Franklin, Rhea, Bradley, James, Marion, Coffee, Bledsoe, Sequatchie, Grundy, McMinn, Moore, Warren, Monroe, Polk, Meigs, and Hamilton. Court terms were slated to begin in Rhea County on the first Monday in February and August.
19. Private Acts of 1911, Chapter 435, divided the Third Chancery Division, taking all the counties out of that Division except Hamilton, leaving it to compose the Third Chancery Division alone. All the other counties were placed in a new 12th Chancery Division for which the Governor would appoint a Chancellor to serve until the Chancellor, once elected, would then appoint a Clerk and Master. The counties in the 12th Chancery Division were Franklin, Bradley, James, Marion, McMinn, Bledsoe, Warren, Sequatchie, Polk, Meigs, Grundy, Coffee, Van Buren, Monroe, and Rhea.

20. Private Acts of 1923, Chapter 457, changed the times for holding the Chancery Court in Rhea County to the first Monday in May and November of each year, starting after August, 1923.
21. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last major reorganization of the lower court system of the state which appeared in the private acts volumes. The changes would be by Public Act in the Tennessee Code from henceforth. The Act formed 14 Chancery Divisions of which the 12th Chancery Division contained the counties of McMinn, Warren, Bledsoe, Sequatchie, Marion, Van Buren, Bradley, Meigs, Polk, Grundy, Coffee, Monroe, Franklin, and Rhea County where the terms of the Chancery Court would begin on the first Monday in May and November.

### **Chancery Court - Clerk**

The reference list below contains acts which once applied to the clerk and master in Rhea County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1927, Chapter 713, stated that the Clerk and Master in Rhea County shall receive \$1,800 per annum as salary for his services, payable quarterly on the warrant of the County Judge, or Chairman. The Clerk and Master were required to file on January 1 of each year a sworn, itemized statement showing the total amount of fees collected and pay them into the Treasury of the County except the fees allowed the Clerk and Master as a Receiver and the Commission paid on sales of land. The Clerk and Master would report only on the fees earned after the passage of this Act. This Act is repealed in Item 3.
2. Private Acts of 1945, Chapter 365, amended Private Acts of 1927, Chapter 713, Section 2, above, by adding to the fees which were exempt from being paid into the County Treasury by the Clerk and Master the transcript costs coming to him. These did not have to be listed among those paid into the County Treasury.
3. Private Acts of 1949, Chapter 17, expressly repealed Private Acts of 1927, Chapter 713, as amended, which regulated the annual salary of the Clerk and Master in Rhea County.

### **Circuit Court**

The following acts were once applicable to the circuit court of Rhea County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1807, Chapter 9, which created Rhea County, also made the county a part of the Hamilton District of courts and appointed Thomas Moore, Joseph Brooks, and John Henry, as Commissioners, to select a suitable site for holding the courts in Rhea County.
2. Acts of 1809, Chapter 49, formed Tennessee into five Judicial Circuits. The Second Judicial Circuit was composed of the Counties of Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Roane, Rhea, and Bledsoe. The Circuit Court of Rhea County would meet at the courthouse on the second Monday in March and September.
3. Acts of 1812, Chapter 68, reset the opening dates for the terms of the Circuit Court in Rhea County to the third Monday in March and September.
4. Acts of 1817, Chapter 132, changed the terms of the Circuit Court in some of the counties of the Second Judicial Circuit but Rhea County remained on the third Monday in March and September.
5. Acts of 1819, Chapter 72, created the Seventh Judicial Circuit in the State assigning to it the Counties of Roane, Rhea, Bledsoe, Marion, Hamilton, McMinn, and Monroe. The General Assembly would select a Judge for the new circuit by a joint vote of both Houses, and, further, appoint an Attorney General to prosecute in the name of the State. Court terms in Rhea County would continue to start on the third Monday in March and September.
6. Acts of 1827, Chapter 5, rearranged the terms of the Circuit Courts of the Counties of Bledsoe, Marion, Hamilton, McMinn, Monroe, and Rhea where the terms of the Circuit Court would commence on the fourth Monday in March and September.
7. Acts of 1835-36, Chapter 5, reorganized the entire group of Circuit Courts across the State pursuant to the provisions of the 1935 State Constitution and to allow for three terms of court annually in the future instead of two. This act created eleven judicial courts in all designating the counties of Roane, Rhea, Meigs, Bledsoe, Marion, Hamilton, McMinn, and Monroe as the Third Judicial Circuit. The Circuit Court terms would begin in Rhea County on the first Monday in March, July, and November.
8. Acts of 1835-36, Chapter 41, provided that the next terms of the Circuit Courts in Roane, Rhea, Bledsoe, Marion, Hamilton, McMinn, and Monroe be held according to the schedule of the former law but after that term the schedule of terms supplied in Acts of 1835-36, Chapter 5, would be

followed.

9. Acts of 1857-58, Chapter 98, reorganized the entire lower court system of the State into sixteen Judicial Circuits. The Fourth Judicial Circuit contained the Counties of Bradley, Polk, Rhea, Hamilton, McMinn, Meigs, and the Common Law Court of Chattanooga. The Circuit Court terms would begin in Rhea County on the first Monday in March, July, and November.
10. Acts of 1870, Chapter 31, divided Tennessee into fifteen regular, and one special, Judicial Circuits. The Counties of McMinn, Polk, Meigs, Rhea, Bradley, Hamilton, Marion, Sequatchie, Bledsoe, and the Special Court at Chattanooga were all part of the Fourth Judicial Circuit.
11. Acts of 1870, Chapter 46, scheduled the terms of the Circuit Courts in every county in the State. Rhea County's Circuit Court would begin its terms on the first Monday in March, July, and September.
12. Acts of 1870, Chapter 106, reset the Circuit Court terms in the counties of the Fourth Judicial Circuit. Rhea County would convene the Circuit Court on the second Monday in February, June, and October. All process was to conform to those dates and all the conflicting portions of Acts of 1870, Chapter 46, above, were repealed.
13. Acts of 1885 (Ex. Sess.), Chapter 20, was the next major revision in the lower judicial structure of Tennessee which resulted in the formation of fourteen regular, and one special, judicial circuits. The Fourth Judicial Circuit was made up of the Counties of Bradley, Polk, Meigs, Rhea, Bledsoe, Sequatchie, Marion, Hamilton, McMinn, and James. Rhea County's Circuit Courts would meet on the first Monday in March, July, and November.
14. Acts of 1887, Chapter 109, created a Common Law Court at Dayton in Rhea County with jurisdiction over the Seventh, Eighth, Tenth, and Eleventh Civil Districts. This court would constitute one of those in the Fourth Judicial Circuit and would exercise the same civil and criminal jurisdiction as the other courts in the circuit. The county court was directed to supply jurors for this court and the Court Clerk at Washington must transfer all records and pleadings in those cases originating in the above Civil Districts. The Sheriff of the County was required to furnish officers to wait upon the court and the expenses of it were to be paid out of the regular county funds and coffers. Terms of court would start on the Wednesday after the second Monday in May, September, and January.
15. Acts of 1889, Chapter 13, reset the terms of the Circuit Courts in the Counties of Bradley, Polk, Meigs, Bledsoe, Sequatchie, Marion, Hamilton, McMinn, James, and Rhea in the Fourth Judicial Circuit. Court would begin in Rhea County on the first Monday in March, July, and November.
16. Acts of 1889, Chapter 35, created the 17th Judicial Circuit out of parts of the Third and Fourth Judicial Circuits assigning to it the Counties of Bradley, James, McMinn, Polk, Meigs, and Monroe.
17. Acts of 1889, Chapter 167, scheduled the opening dates for the terms of court in the Fourth Judicial Circuit which now contained the counties of Hamilton, Bledsoe, Sequatchie, Marion, and Rhea whose Circuit Court terms would begin on the first Monday in April, August, and December.
18. Acts of 1891, Chapter 134, detached Rhea County from the Fourth Judicial Circuit and attached it to the 17th Judicial Circuit and provided that, after the next term of court on the existing schedule, the court would open on the second Mondays in April, August, and December.
19. Acts of 1891 (Ex. Sess.), Chapter 16, amended Acts of 1891, Chapter 134, above, so as to change the terms of the Circuit Court of Rhea County, after the next term of court, to the first Monday in March, July, and November, instead of the second Mondays in April, August, and December.
20. Acts of 1899, Chapter 409, removed Rhea County from the 17th Judicial Circuit and assigned the county to the Sixth Judicial Circuit within which the terms of court would commence on the second Mondays in April, August, and December.
21. Acts of 1899, Chapter 427, was a complete reworking of the entire lower court system of the State. Fourteen Judicial Circuits were formed across Tennessee of which the Seventh Circuit included the Counties of Van Buren, Grundy, Coffee, Warren, Moore, Dekalb, Bledsoe, Rhea, and Lincoln. Courts would start in Rhea County on the second Mondays in April, August, and October.
22. Acts of 1903, Chapter 580, rescheduled the court ten-ns in the Seventh Judicial Circuit which contained the Counties of Coffee, Warren, Moore, Dekalb, Lincoln, Grundy, Bledsoe, Van Buren, and Rhea where the court would meet on the first Tuesday after the second Mondays in April, August, and December.
23. Acts of 1905, Chapter 269, changed the Circuit Court terms in Dekalb County and in Rhea County where the court would take up the docket on the first Tuesday after the second Mondays in March,



July, and December.

24. Private Acts of 1909, Chapter 540, reset Circuit Court terms in Grundy County and in Rhea County of the Seventh Judicial Circuit. Rhea County would start Circuit Court terms on Tuesday after the third Monday in March and July, and Tuesday after the second Monday in December.
25. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last act of this nature to appear in the volume of Private Acts, all future changes would take the form of public acts and Code amendments. This act reorganized the complete lower Court System into twenty Judicial Circuits. The 18th Judicial Circuit included the Counties of Franklin, Sequatchie, Bledsoe, Marion, Grundy, Meigs, and Rhea where the court would assemble on the first Monday in April, August, and December.
26. Private Acts of 1939, Chapter 444, provided that the Judge of the Circuit Court in Rhea County (identified by the use of the 1930 Federal Census Court) would have the authority to appoint the necessary officers to wait on his court while the same was in Session. 27. Public Acts of 1963, Chapter 248, created an additional Judge for the Eighteenth Judicial Circuit who would be paid the same compensation as other Judges in Tennessee and be subject to the same liabilities.

### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Rhea County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1822, Chapter 86, was the authority for John Locke, the Circuit Court Clerk of Rhea County to keep the Clerk's office for the said county at his own residence which adjoins the town of Washington.
2. Acts of 1903, Chapter 255, was one of the first salary Acts of the State, but referred to and affected the Circuit Court Clerks only. The annual salary of the Clerk was classified by the population of the County and was one of the earliest Acts to do this. These Acts eventually led to the current salary Acts which are still in effect, using the same format. According to our information, the Circuit Court Clerk of Rhea County would have been paid \$500 a year if certain conditions were met.
3. Private Acts of 1925, Chapter 767, fixed the annual salary of the Circuit Court Clerks in Rhea County at \$1,200, provided the Clerk filed a sworn, itemized statement with the County Judge, or Chairman, showing the amount of fees paid into the Clerk's office. If the fees did not equal the amount of the salary established herein, the County would pay the difference. The Clerks were not required to keep account of or to report their fees from the County Court Clerk's office or from the costs of transcripts for appeals. This Act was repealed in Item 8, below.
4. Private Acts of 1929, Chapter 617, stated that the Circuit Court Clerks in Rhea County identified by the use of the 1920 Federal Census figures, shall be paid an annual salary of \$900, payable monthly by the County Judge, or Chairman, by the issuance of a warrant each month in the amount of \$75 and, in addition, the Clerk shall retain as salary all the fees collected by his office. This Act was repealed in Item 7.
5. Private Acts of 1931, Chapter 694, stated that the Circuit Court Clerk of Rhea County shall be paid \$1,000 per annum, payable monthly out of the general revenue of the county on the warrant of the County Judge, or Chairman of the Clerk shall further be allowed to retain as salary all the fees of his office. See *Kyle v. Cooley*, 170 Tenn. 547, 98 S.W.2d 85 (1936).
6. Private Acts of 1939, Chapter 444, provided that in Rhea County, the Circuit Judge shall have the authority to appoint the necessary officers to wait upon the Court while it was in session, all conflicts being repealed.
7. Private Acts of 1949, Chapter 16, expressly repealed Private Acts of 1929, Chapter 617, Item 4, above, in its entirety.
8. Private Acts of 1949, Chapter 18, specifically repealed Private Acts of 1925, Chapter 767, Item 3, above, in its entirety.

### **District Attorney General - Assistants and Criminal Investigators**

The following acts once affecting Rhea County are no longer in effect but are listed here for historical purposes.

1. Acts of 1817, Chapter 65, established the Sixth Judicial Circuit and divided Tennessee into ten Solicitorial Districts. The Fourth Solicitorial District was composed of the counties of Knox, Anderson, Morgan, Roane, and Rhea and the General Assembly shall appoint an Attorney General

- to prosecute in each District who shall be paid \$125 a year except in that District in which the Supreme Court is located where the Attorney General shall be paid \$150 a year.
2. Acts of 1819, Chapter 4, assigned the Counties of Bledsoe, Marion, Rhea, and Hamilton to the newly created 11th Solicitorial District.
  3. Acts of 1835-36, Chapter 28, made each Solicitorial District to coincide with the boundaries of each Judicial Circuit having criminal jurisdiction. This act was enacted immediately after the 1835 Constitution went into effect.
  4. Public Acts of 1967, Chapter 82, created the office of an additional Assistant District Attorney General for the Eighteenth Judicial Circuit.
  5. Public Acts of 1971, Chapter 192, created the office of Criminal Investigator for the District Attorney General of the Eighteenth Judicial Circuit.
  6. Public Acts of 1973, Chapter 176, amended Public Acts of 1971, Chapter 192, by changing the word "one" to "two" therein thus adding another position of Criminal Investigator to Rhea County.
  7. Public Acts of 1976, Chapter 561, created an additional full time Assistant District Attorney General for the Eighteenth Judicial Circuit. The District Attorney General was authorized to appoint a suitable person as an Assistant District Attorney.

### **General Sessions Court**

The following acts once affected the general sessions court of Rhea County, but are no longer in effect and are included herein for reference purposes. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1949, Chapter 868, created a General Sessions Court in Rhea County and divested the Justices of the Peace and County Judge of their jurisdiction in criminal and civil cases.
2. Private Acts of 1953, Chapter 570, expressly repealed the Private Acts of 1949, Chapter 868, above.
3. Private Acts of 1959, Chapter 347, attempted to again establish a General Sessions Court in Rhea County and to divest the Justices of the Peace and the County Judge of their jurisdiction in civil and criminal cases. This act was rejected by the local authorities and never became operative.

### **Juvenile Court**

The following acts once affecting juvenile courts in Rhea County are included herein for reference purposes.

1. Private Acts of 1981, Chapter 67, as amended by Private Acts of 1992, Chapter 197, created the juvenile court of Rhea County. This act was repealed by Private Acts of 1997, Chapter 92.
2. Private Acts of 1982, Chapter 266, assigned the probate jurisdiction in Rhea County to the Juvenile Court by amending Private Acts of 1981, Chapter 67, and made the Rhea County Clerk the Clerk of the probate business of the Court. We have been advised that this Act was not approved by the Rhea County Commission, as required by law, and consequently failed to become an active statute under the Home Rule Amendment to the Constitution.

### **Secretarial Assistance**

The following act is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1963, Chapter 248, authorized the new junior Judge of the Eighteenth Circuit to hire a stenographer at a salary of \$100 per month. This Section has been superseded by the general law.

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 2002 Chapter 104

**SECTION 1.** Chapters 167 and 581 of the Private Acts of 1953, Chapter 227 of the Private Acts of 1961, and all other acts amendatory thereto, are hereby repealed.

**SECTION 2.** Rhea County shall be divided into nine (9) school districts of substantially equal population, which shall be coextensive with the county legislative body districts as established by resolution of the county legislative body from time to time.

**SECTION 3.** The Rhea County Board of education (the "board") shall consist of nine (9) members, with one (1) member of the board being elected by the qualified voters in each school district, on a non-partisan basis. Board members shall be elected to staggered four (4) year terms so that every two (2) years the terms of approximately one-half (½) of the members of the board shall expire, with the odd-numbered districts expiring at the same time and the even-numbered districts expiring at the same time. Persons elected in the regular August general elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

**SECTION 4.** During the transition from seven (7) members to the nine (9) members provided for in this act, all incumbent board members shall remain on the board until the expiration of their current terms, and the number of board members may temporarily exceed the number of members authorized in this act. To establish staggered four (4) year terms, beginning with the August 2004 election, the board shall be elected as follows: At the August 2004 general election, one (1) member shall be elected from each of the even-numbered districts for a term of two (2) years and one (1) member shall be elected from each of the odd-numbered districts for a term of four (4) years. At the August 2006 general election and thereafter, board members shall be elected to four (4) year terms as the term of each respective board member expires.

**SECTION 5.** The Rhea County Board of Education shall have the same powers, duties, privileges, and qualifications as a board of education established pursuant to Tennessee Code Annotated, Title 49.

**SECTION 6.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 7.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Rhea County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body of Rhea County and certified to the Secretary of State.

**SECTION 8.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 7.

Passed: March 27, 2002

## Education/Schools - Historical Notes

### Board of Education

The following acts once affected the board of education in Rhea County but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1907, Chapter 236, created a Board of Education in every County of the State and abolished the District Directors but installed a District Board of Advisors in its place. The Board would have five members, one from each school district composed of whole Civil Districts. The County Superintendent would serve as the Secretary of the Board. The members of the Board would be elected by the County Court until 1908 when their successors, elected by the people, would take office on September 1, 1908. The duties of the Chairman, the Secretary, and the Board are all listed as an item in the Act. Each member will be paid from \$1.50 to \$3 per day as set by the Quarterly Court. The Board of Advisors is made up of three citizens of each District who shall be elected by popular vote, discharge the duties listed in the Act, and have their vacancies filled by the remaining members of the Board. Nine Counties exempted themselves from the provisions of this act but Rhea County was not among them. This Act was part of the litigation in Whithome v. Turner, 155 Tenn. 303, 293 S.W.147 (1927).
2. Private Acts of 1919, Chapter 171, provided that the Chairman of the County Board of Education and the High School Board of Education in Rhea County shall receive \$60 per year, payable monthly, out of the Elementary and High School Funds for their services as Chairman of the respective Boards, which shall be in addition to any per them allowance they may have. This Act was repealed by Private Acts of 1949, Chapter 15.
3. Private Acts of 1921, Chapter 868, stated that, in Rhea County, identified by the 1920 Federal Census figures, the County Superintendent of Schools was authorized to fill any vacancy on the County High School Board of Education until the first Monday in January following the appointment. This Act was repealed in Item 10, below.
4. Private Acts of 1937 (Ex. Sess.), Chapter 23, declared that in Rhea County each member of the Board of Education shall receive for their services the sum of \$75 per annum out of the school

funds for the County. This Act was repealed in Item 15, below.

5. Private Acts of 1941, Chapter 63, was the authority for the County Board of Education of Rhea County to borrow such sums as may be necessary from time to time to enable the schools, both elementary and high school, to finish their terms but the amounts shall not exceed \$6,000 per year for the high school and \$15,000 a year for the elementary system. The Board may execute negotiable notes at 6%, or less, interest, due in 90 days, or less. These notes are to be paid from the tax money for the schools or from state shared educational funds, and the two funds above, shall not be mixed, or one used to assist the other fund. This Act was repealed in Item 13.
6. Private Acts of 1941, Chapter 474, stated that in Rhea County the Board of Education shall have the authority to fix the compensation of the Chairman of the Board. This Act was repealed in Item 14, below.
7. Private Acts of 1943, Chapter 199, stated that the School Board of Rhea County may, in their discretion, pension any school teacher who has retired as a teacher and place the said teacher upon the County's pension rolls at \$20 per month provided the said teacher had taught school at least 20 years, fifteen of which must be in the schools of the county granting such pension.
8. Private Acts of 1945, Chapter 164, was the legal authority for the County Superintendent of Public Instruction to fill vacancies on the County Board of Education until the next regular meeting of the County Court. This Act was repealed in Item 16, below.
9. Private Acts of 1945, Chapter 599, mandated that the Rhea County School Board prepare the School Budget on the second Thursday in June.
10. Private Acts of 1949, Chapter 13, expressly repealed Private Acts of 1921, Chapter 868, Item 3, above, in its entirety.
11. Private Acts of 1949, Chapter 15, specifically repealed Private Acts of 1919, Chapter 171, Item 2, above, as the same was written.
12. Private Acts of 1949, Chapter 24, expressly and entirely repealed and nullified Private Acts of 1945, Chapter 599, Item 9, above.
13. Private Acts of 1949, Chapter 27, repealed Private Acts of 1941, Chapter 63, Item 5, above.
14. Private Acts of 1949, Chapter 29, repealed entirely Private Acts of 1941, Chapter 474, Item 6, above, which allowed the Board of Education to fix the salary of the Chairman of the Board.
15. Private Acts of 1949, Chapter 30, repealed and nullified Private Acts of 1937 (Ex. Sess.), Chapter 23, Item 4 above, which set the compensation of members of the Board of Education in Rhea County.
16. Private Acts of 1949, Chapter 37, repealed Private Acts of 1945, Chapter 164, Item 8, above, in its entirety.
17. Private Acts of 1953, Chapter 167, set up a five member Board of Education in Rhea County to be elected by the qualified voters of each school district created herein, and one from the county at large. School Districts shall be coincident with the Civil Districts as they existed in 1952. Each member shall be elected to two year terms from September 1, 1954, or until their successors are elected and qualified. The Act named Harold B. Collins as the member from the county at large, and E. C. Coleman from the First District, C. H. Smith from the Second District, George Dawn from the Third District, and Glenn Spivey from the Fourth District, to hold office until September 1, 1954, when their successors would assume the office.
18. Private Acts of 1953, Chapter 581, amended Private Acts of 1953, Chapter 167, above, by reducing the members of the County Board of Education to three, naming Harold D. Collins, as the member at large, and Con Ballard and Leon Young, as the other two members.
19. Private Acts of 1961, Chapter 227, established a seven (7) member board consisting of one (1) member elected from each of the four (4) school districts and three (3) elected from the county at large.
20. Private Acts of 1972, Chapter 227, created a seven (7) member board consisting of two (2) members elected from each of the three (3) civil districts and one (1) member elected from the county at large.

### **Superintendent or Director of Schools**

The acts referenced below once affected the office of superintendent of education in Rhea County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1927, Chapter 547, provided that hereafter in Rhea County, identified by the use of the 1920 Federal Census figures, the Superintendent of Public Instruction shall be elected by the qualified voters in the regular August elections. The present Superintendent shall serve until expiration of the current term and the newly elected Superintendent shall serve four years but the Superintendent elected in 1928, shall not take office until January 1, 1929. Salary shall be set at \$1,500 per year. This act was repealed by the one following. See Rhea County v. White, 163 Tenn. 393, 43 S.W.2d 375 (1931).
2. Private Acts of 1931, Chapter 656, specifically repealed Private Acts of 1927, Chapter 547, Item One, above, which set up the popular election for the Superintendent of Schools in Rhea County.
3. Private Acts of 1933, Chapter 729, declared that in Rhea County the County Superintendent of Public Instruction shall be elected by the people for a four year term at the regular August election in 1934, and his annual salary shall be \$500 payable monthly out of the elementary school funds. The present incumbent shall serve until September 1, 1934, when the elected Superintendent would take office. The Superintendent would discharge all the obligations and duties imposed upon the office by general law which included the employment of teachers, janitors, bus drivers, and all other personnel. This act was repealed in Item 10.
4. Private Acts of 1937, Chapter 348, recited in the preamble that Walter White was duly elected as Superintendent of Public Instruction for Rhea County at the August 1928, general election, took office on January 1, 1929, and served in that capacity until November 27, 1931, when he was legislated out of office. This action resulted in a legal contest on the issue, and the State paid the new man his salary but did not pay White, who performed the duties of the office, and there is no doubt that White should be paid. This act appropriates \$327 out of the State Treasury and directs the Comptroller to pay that amount to Walter White which would have been his salary during the contested period of time.
5. Private Acts of 1937, Chapter 431, provided that the 12 year Certificates of qualification for the position of County Superintendent of Schools issued under the authority of any of the laws of this State, shall be renewed for a similar 12 year period from the date of its expiration provided that the holder of the certificate shall have served as a County Superintendent of Schools for some County, or Counties, for not less than four years during the life of the certificate. The population figures quoted make this act applicable only to Rhea County, although several other counties had passed similar legislation. This act was repealed in Item 11, below.
6. Private Acts of 1941, Chapter 443, averred that in Rhea County the County Superintendent of Public Instruction shall be elected at the July Term of the Quarterly Court in the even numbered years. The first election hereunder shall occur at the Quarterly Courts July term in 1942. The term will be four years and the person elected shall assume office immediately. The qualifications of the incumbent shall be the same as those established under general law. This act was repealed in Item 9, below.
7. Private Acts of 1945, Chapter 415, declared that the maximum amount of expenses to be paid to the Superintendent of Public Instruction in Rhea County shall not exceed \$62.50 per month for traveling to and from schools and on other school business of the County during the school year. This act was repealed by the one following.
8. Private Acts of 1949, Chapter 23, expressly and explicitly repeals Private Acts of 1945, Chapter 415, Item 7, above, as it was written.
9. Private Acts of 1949, Chapter 28, specifically repealed Private Acts of 1941, Chapter 443, Item 6, above, in its entirety, which provided for the election of the Superintendent of Schools and fixed his qualifications. This Act was the basis for the lawsuit in the case of White v. Knight, 34 Tenn. App. 426, 238 S.W.2d 745 (1951).
10. Private Acts of 1949, Chapter 31, specifically repealed Private Acts of 1937, Chapter 431, Item 5, above, as it was written to extend the efficacy of certain certificates.
11. Private Acts of 1949, Chapter 33, expressly repealed Private Acts of 1933, Chapter 729, Item 3, above, in its entirety, which provided for the popular election of the Superintendent of Public Instruction, and fixed his compensation.
12. Private Acts of 1953, Chapter 568, provided for the county superintendent of education to be elected by popular vote and to hold office for a term of four (4) years in all counties of the state with a population not less than 16,000 nor more than 16,100 as determined by the Federal Census of 1950.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure

of Rhea County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1809, Chapter 109, incorporated Daniel Rawlings, James Campbell, Azariah David, David Murphey, Little Page Sims, Alexander Ferguson, and David Campbell, as the Trustees of Tennessee Academy in Rhea County.
2. Acts of 1822 (Ex. Sess.), Chapter 139, provided that the proceeds arising from the rental of school lands in Rhea County shall be appropriated to the support of Tennessee Academy in the said County for a term of ten years beginning on next January 1. These lands shall be under the direction. and control of the Trustees of the Academy.
3. Acts of 1823, Chapter 6, repealed the 1822 Act, Chapter 139, above, which allowed the rental income of school lands in Rhea County to be applied to the benefit of the Tennessee Academy, and makes these funds available now for the common English schools. The Act also required the County Court at its January term to appoint three Commissioners for each of the school lands to supervise the leasing of the lands and the collection of the rents.
4. Acts of 1827, Chapter 132, allowed the County Court to appoint persons from time to time not to exceed twelve in number to serve as Trustees of Tennessee Academy in Rhea County. The Trustees shall select a Chairman, a Secretary, and a Treasurer, from among themselves to exercise all the powers incidental to corporate institutions which were granted to them including the power to make by-laws for the internal operations and discipline of the school. The Trustees were further granted the right to lend out surplus money at 6% which would also inure to the benefit of the Academy.
5. Acts of 1829, Chapter 277, was the authority for the Treasurer of East Tennessee to employ Hugh L. White to attend to and prosecute a lawsuit instituted by sundry citizens of Rhea County against an Indian Reserve for the recovery and possession of the 16th Section of land in the Hiwassee District which was located in Rhea County and which was surveyed and designated as a school section. White was to be given full power to prosecute and manage the suit.
6. Acts of 1831, Chapter 225, incorporated Gideon B. Thompson, John Henninger, and John Hoyal, as Trustees of Washington Female Academy who would have fifty years succession as such and who may exercise the same powers and privileges as other Trustees in similar posts. The Academy was located in Rhea County.
7. Acts of 1833, Chapter 303, made it the duty and responsibility of the Trustees of Tennessee Academy in Rhea County on the first Monday in January, 1834, to appoint an agent whose duty it shall be to loan and reloan Academy funds to citizens of the County on notes executed to the agent with good security but not to exceed \$100 to any one citizen, and to be let on the terms contained in the Act. The agent must be bonded and must render periodical reports to the Trustees who have the authority to remove him. All interest would accrue to the benefit of the Academy.
8. Acts of 1849-50, Chapter 128, was the Act which incorporated Mars Hill Academy in Rhea County, naming as incorporators, Edward E. Wasson, Dr. Addison Locke, James Robinson, Edward Pyatt, Stephen Cawood, James J. Cash, David G. Scroggins, Jesse P. Thompson, Robert Cravens, Alfred Marsh, and Dr. James W. Gillespie. They were given the authority to adopt bylaws for internal operation and discipline of the school.
9. Acts of 1865-66, Chapter 60, incorporated the Trustees of Richland Academy in Rhea County, listing as the first Board and as incorporators, N. Keith, S. D. Bridgeman, E. H. Morgan, J. N. Keith, Washington Morgan, Jr., Lewis Morgan, Jr., Henry Davis, W. L. Humphrey, and J. J. Riddle.
10. Acts of 1899, Chapter 386, created a new and independent School District in Rhea County, bounded on the north by the 10th Civil District line, on the south by the land line between W. J. Sawyers and Mrs. Lentz, running east with the said line to the 26th School District; thence east to the line of the 6th Civil District so as to include within the District the lands of William Jones, and James Melton, also the ridge land belonging to Mrs. Roddy and the Johnson Heirs, and bounded on the west by the foot of the mountain so as to include the farm of L. A. Tyler. The School District was entitled to three Directors and all the rights and privileges of other school districts.
11. Acts of 1901, Chapter 345, formed the 41st School District in Rhea County in addition to all the other school districts. The area involved was bounded on the east by a line from James Hickman's place, running north and crossing Fox Coal Company's tracks at the second crossing to a tenant house belonging to the said company, occupied by Joe Suttles; thence west to the top of Walden's Ridge; thence along the top of the Ridge to the old toll gate house, now occupied by Joe Brackett;

- thence east to Hickman's and the beginning. The District would be governed by current school laws and be administered by these Directors.
12. Acts of 1905, Chapter 188, repealed portions of the law incorporating Mars Hill Academy in Rhea County, Acts of 1849-50, Chapter 128, Item 8, above. This act was the legal authority for L. M. Heiskell, S. P. C. Robinson, R. M. Robinson, and W. T. Gass, the only living members of the Board of Trustees of the said Academy, to sell the land belonging to the Mars Hill Academy and make good and valid title thereon, and out of the proceeds to pay all expenses and debts of the said school and the remainder, if any, shall be invested in school property in the First Civil District.
  13. Acts of 1907, Chapter 62, created School District #5 out of Districts One and Two, said District #5 beginning at the east top of the mountain opposite the south line of Charles Read's land, and running east to include the farms of I. W. Brayles, M. Wallis, J. Wallis, H. C. Darwin, and the old John E. Pyatt farm, intersecting the Spring City and Rhea Spring public road at the east line of the Pyatt property, to the mouth of Muddy Creek, crossing Piney River, up Muddy Creek to the northeast corner of Bell's farm, thence with north line of the Bell farm with the Mars Hill tract and Rhea Iron Company, so as to include both tracts. The county Superintendent of Schools would appoint three School Districts to serve the new school district.
  14. Acts of 1909, Chapter 494, was a general compulsory school attendance law for the State, which made some exemptions for children who met certain requirements stipulated in the law. The Superintendent and principals to the schools could excuse temporary absences but for no more than two days per month. Parents, and guardians, of children over 8 years of age must have them in school for at least four months, or 80 consecutive days, in each year. School officials and the teachers must keep required attendance records, or not be paid. All violators, or those failing to comply herewith may be fined for misdemeanors. Eighteen counties exempted themselves from the operation of this act but Rhea County was not one of them.
  15. Private Acts of 1917, Chapter 351, stated that any school teacher in Rhea County, who was 65 years old, or older, and who had taught school for more than 30 years, shall, at his or her, discretion, be entitled to retire at that time upon filing application for retirement. Pension payments shall be \$10 per month if those specifications and qualifications are met. Warrants in the proper amount shall be drawn by the Chairman of the Board of Education. The applicant must also have been a resident of the county for ten years, or more, at the time of the application.
  16. Private Acts of 1921, Chapter 370, created a Special School District in Rhea County to be called the City School of Rhea County. All special school districts that are not taxing districts have been abolished by T.C.A. 49-2-501.
  17. Private Acts of 1921, Chapter 699, stated that any school teacher in Rhea County who was 70 years of age and had taught school for 30 years, or longer, shall, at the expiration of the said period of service, be entitled, at his or her discretion, to retire from service in the public school system upon filing written application therefor to the Board of Education. The Board shall provide for and direct payments to be made of \$25 per month, payable quarterly. The Board shall determine who are eligible and the amount of benefits to be paid to them.
  18. Public Acts of 1925, Chapter 115, has been originally codified as Title 49, Tennessee Code Annotated, and, among many other things, abolished all the special school districts which were not taxing districts, allowed those which were taxing districts to hold a referendum on the question of their abolition, and provided that when all the debts were paid in a school district, the district may join the public school system of the county. See Section 49-2-501, and following, of the State Code.
  19. Private Acts of 1927, Chapter 27, abolished the office of attendance officer in the school system of Rhea County. The compulsory school attendance law in Rhea County shall be enforced by the Chief Probation Officer of the Juvenile Court upon whom all the duties and responsibilities of the attendance officer are hereby placed. The salary is \$140 per month during elementary school term payable by warrant drawn on those funds signed by the Chairman and Secretary of the Board of Education.
  20. Private Acts of 1927, Chapter 669, is a duplicate of Private Acts of 1927, Chapter 27, above, which abolished the position of School attendance officer and gave the job to the Chief Probation Officer of the Juvenile Court. These duplications, happened sometimes, both laws being properly passed.
  21. Private Acts of 1929, Chapter 585, was the enabling law for Rhea County, acting through its Board of Education and the Judge of the County Court to borrow such sums of money, not to exceed \$8,000, as may be necessary to complete the 1928-29 term of high schools. The interest to be paid could not be over 6% and the tax levy to amortize the loans could not exceed two cents per

- \$100 property valuation but shall be made each year until all the money borrowed had been repaid.
22. Private Acts of 1933, Chapter 102, made it the duty of the Board of Education in Rhea County to place on its list of retired teachers any person who has taught in the public schools as long as 25 years, and who has become incapacitated physically, or mentally, while serving as a teacher. The amount to be paid them is set at \$15 per month.
  23. Private Acts of 1933, Chapter 210, amended Acts of 1925, Chapter 115, the general school law of the State, by adding a provision which exempted Rhea County from having to comply with its terms and conditions.
  24. Private Acts of 1933, Chapter 294, specifically repeals Private Acts of 1927, Chapter 27, Sections 1, 2, and 3, which abolished the position of School attendance officer in Item 19, above.
  25. Private Acts of 1933, Chapter 541, validated the claims of the teachers who are listed in the act for the 1931-32 school year, directing the Superintendent and the Chairman of the Board of Education to draw warrants in the amount shown. Those named are Margie Smith, Prof. J. N. Ewing, Mrs. Hazel Knight, Mrs. Beulah Gentry, Miss Cecile McCabe, Mrs. Bessie Lee Jewell, Prof. E. A. Lowery, Miss Queen Trentham, Miss Reba Johnson, Mrs. Nola Edwards, plus W. J. Bean, who was due compensation for transporting students.
  26. Private Acts of 1937, Chapter 780, created the position of Attendance Officer in the Rhea County school system. The Quarterly County Court would elect the Attendance Officer at its July term for a period of one year at a salary of \$140 per month. The Attendance Officer must secure an automobile and go into every part of the County to make certain that the children between the ages of 8 and 16 are attending school as the law requires them to attend. The County Court may remove the Attendance Officer summarily if he is guilty of neglect of duty, of being drunk or intoxicated, of using profanity, or of other misconduct warranting his dismissal. This act was repealed in Item 28, below.
  27. Private Acts of 1937 (2nd Ex. Sess.), Chapter 36, assigned the duty to the Board of Education, of Rhea County, to place upon the Teacher's Pension Roll any person who has been engaged in school work for 30 years in Tennessee, fifteen of which shall be in the county, or counties, affected by this act. The person desiring to come under the terms of this act must file an application with the Board of Education whose responsibility it is, after being convinced on the truth of the facts in the case, to place such a person on the Teacher's Pension Rolls.
  28. Private Acts of 1939, Chapter 443, expressly repealed Private Acts of 1937, Chapter 780, Item 26, above, in its entirety.
  29. Private Acts of 1941, Chapter 8, provided that, in Rhea County, identified by the use of the 1940 Federal Census figures, any county school warrant, either high school or elementary, when the same shall have been stamped and registered by the County Trustee, showing the date of the registration, then, and from that date, such warrants shall bear interest at the legal rate fixed by statute in this State. It shall be the duty of the Trustee to pay both principal and interest in the order in which the warrants appear on the register. This act was repealed by the one following.
  30. Private Acts of 1949, Chapter 26, specifically repealed Private Acts of 1941, Chapter 8, Item 29, above, as the same was written.
  31. Private Acts of 1949, Chapter 630, averred that all warrants issued for the payment of teacher's salaries, for the expense of operating the public schools, and all other school warrants in Rhea County shall be countersigned by the Chairman of the Financing and Purchasing Committee. It is made the duty of the Superintendent of Education and the Chairman of the Board of Education to certify under oath to the Finance and Purchasing Committee, the payroll of the school system and that the payroll is just, due, and necessary. Before any of the warrants is countersigned, the amount shall be certified by the Finance and Purchasing Commission, and they shall disallow any warrant not representing a proper item. The County Trustee shall honor such warrants only after the terms of this act have been complied with.
  32. Private Acts of 1949, Chapter 632, granted to the Quarterly Court of Rhea County special powers to transfer those funds derived from Sales Tax Overage in the Building, Maintenance, and Transportation Fund to the General Public School Fund of the County, so that the same may be used in the operating expenses of the public school system, or to repay money borrowed and spent within the public school system. The Court may act by Resolution and a copy of the Resolution shall be sufficient authority to make the transfer by the Trustee.
  33. Private Acts of 1949, Chapter 861, recited in the preamble that there were such a small number of negro high school students in Rhea County that facilities for their education could best be



provided by cooperation with a neighboring county. This act is the legal authority for the Board of Education to enter into contracts to provide the educational facilities for the negro high school students of the county with adjoining counties. Public school funds may be used to carry out such contracts but they must first be approved by the Quarterly Court.

## Chapter VII - Elections

### Candidates

#### Private Acts of 1978 Chapter 322

**SECTION 1.** Candidates for membership on the County Legislative Body of Rhea County, including the Quarterly County Court or its successor body, shall qualify and be elected on the basis of county legislative districts, and candidates who receive the highest number of votes in multi-member districts shall be elected for positions in such districts without designation of specific positions therein.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Rhea County before September 1, 1978. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 3.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: April 27, 1978.

### Districts - Reapportionment

#### Civil Districts

#### Private Acts of 1959 Chapter 346

**SECTION 1.** That the present civil districts of Rhea County numbering from One to Two be, and the same are hereby abolished, effective September 1, 1960.

**SECTION 2.** That in lieu of the present two districts theretofore existing in Rhea County there are hereby created Four Civil Districts for said County as follows:

##### FIRST CIVIL DISTRICT

The First Civil District of Rhea County shall be as follows:

Beginning at the mouth of Piney River, and running up the meanders of the same to the forks of Piney River, in the Shutin Gap; then with the North prong of Piney to Dunlap or Stinging Fork; and then with the same to the mouth of Big Soak; thence with the meanders of Big Soak to the Cumberland County line; Provided, That all of the territory within said Rhea County and lying North of said Piney River, and the extension thereof aforesaid to the Cumberland County line, shall compose the First District of said County.

##### SECOND CIVIL DISTRICT

The Second Civil District shall be as follows:

Beginning at the mouth of Clear Creek, and running up the meanders of the same to where said Creek empties out of the mountain; then a direct course to mouth of Moccasin Creek thence with Moccasin Creek and its waters to the Bledsoe County line at its nearest point;

Provided, That all of the territory within said County and lying between said Clear Creek and the line aforesaid, to the line of the First Civil District aforesaid, shall compose the second Civil District of said County.

##### THIRD CIVIL DISTRICT

The Third Civil District shall be as follows:

Beginning at the mouth of Richland Creek and running up the meanders of the same to the Bledsoe

County line;

**COMPILER'S NOTE:** Today, Civil Districts and Magisterial or Commissioner Districts are not necessarily the same.

Provided, That all of the territory within said County and lying North of Richland Creek and South of the line of the Second Civil District aforesaid, shall compose the Third Civil District of said County.

#### FOURTH CIVIL DISTRICT

The Fourth Civil District shall be as follows:

The Fourth Civil District of said County shall comprise all of the territory within said County lying South of -said Richland Creek, and North of the Hamilton County line, to so remain until changed by Act of the General Assembly.

**SECTION 3.** That in the General County Election in 1960, the Justices of the Peace and Constables for the districts above set out shall be elected by the qualified voters of said Districts.

**SECTION 4.** That all laws or parts of laws in conflict with the provisions hereof, be and the same hereby are repealed.

**SECTION 5.** That if any clause, sentence or paragraph, section, or any part of this Act shall be held or declared to be unconstitutional and void it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intention to have passed the remainder of this Act notwithstanding the parts so held to be invalid, if any.

**SECTION 6.** That this Act take effect from and after its passage, the public welfare requiring it, but this Act shall not have the effect of removing the present Justices of the Peace or Constables from their offices during the term for which they were elected but they shall hold their offices until the expiration of their terms, and the Quarterly County Court as now constituted shall remain the same until the Justices of the Peace elected under this Act take their office in 1960.

**SECTION 7.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of Rhea County, Tennessee, on or before the next regular meeting of said Quarterly County Court occurring more than Sixty Days after its approval by the Chief Executive of this State. Its approval, or non-approval, shall be proclaimed by the Chairman of the Quarterly County Court of Rhea County, Tennessee, and shall be certified by him to the Secretary of State.

Passed: March 19, 1959.

## Private Acts of 1972 Chapter 227

**SECTION 1.** That the present civil districts of Rhea County, Tennessee, numbering from One to Four be, and the same are hereby abolished.

**SECTION 2.** That in lieu of the four Civil districts heretofore existing in Rhea County, Tennessee, there are hereby created three Civil districts for the said County, as follows:

#### FIRST CIVIL DISTRICT

All that territory located in Rhea County, Tennessee, from the Roane County line (White Creek) south to Clear Creek. This being the territory heretofore designated as the First and Second Civil Districts of Rhea County, Tennessee.

#### SECOND CIVIL DISTRICT

All that territory in Rhea County, Tennessee, from Clear Creek south to Richland Creek.

#### THIRD CIVIL DISTRICT

All of that territory in Rhea County, Tennessee, from Richland Creek south to the Hamilton County line.

The three (3) districts being the same territory as provided in the decree of the U.S. District Court in Chattanooga, Tennessee, for the reapportionment of Rhea County, Tennessee, into magisterial districts, and being the same territory from which the Justices of the Peace for Rhea County, Tennessee, were elected at a special election called for the reapportionment of the magisterial districts for Rhea County, Tennessee.

**SECTION 3.** That in the General County Election in 1972 the Justices of the Peace for the districts as above set out shall be elected by the qualified voters of said District.

**COMPILER'S NOTE:** The remainder of this Act concerns the Board of Education and is published under that heading, therefore it is not included here.

Passed: February 17, 1972.

## Elections - Historical Notes

### **Districts - Reapportionment**

The acts listed below have affected the civil districts in Rhea County, but are no longer operative regarding elections.

1. Acts of 1835-36, in Resolution #3 named the people in each County of Tennessee who would be responsible for laying off the County into Civil Districts determined by the total population of the County. In Rhea County, William T. Gillenwaters, William Johnson, Stephen Winton, Abraham Cox, Jr. and John D. Chatten, were named to accomplish this purpose.
2. Acts of 1899, Chapter 163, established four Civil Districts instead of the fourteen then existing, describing these four with a metes and bounds description. Generally the First Civil District was the area north of the Piney River to the Cumberland County Line; the area in the County between Clear Creek and in the direction of Bledsoe County was the Second Civil District. The other two Districts had a more complicated description and they are not repeated here.
3. Private Acts of 1953, Chapter 49, abolished the four Civil Districts of Rhea County and created two Civil District in their stead. The First Civil District was bounded on the south by Clear Creek, on the west by the Bledsoe and Cumberland County lines, on the north by White Creek, or the Roane County line, and on the east by the Tennessee River. All the area south of Clear Creek constituted the Second Civil District. Charles McCuistion and James Grashain were named as Justices of the Peace in the First District, and Clyde Roddy, George Wilkey, and Boss Knight were nominated the Justices of the Second District. All the Magistrates serving incorporated towns shall continue. See Byrd v. Rhea County, 207 Tenn. 63, 338 S.W.2d 545(1960).
4. Private Acts of 1955, Chapter 312, abolished the two Civil Districts of Rhea County and replaced them with four, all being generally described in the Act. Provisions were made for the Justices of the Peace for the new Districts to be elected at the General County Election in August, 1960. This Act was properly ratified according to the requirements of the Home Rule Amendment to the Constitution and thus become effective law. This act was another construed by the court in the case of Byrd v. Rhea County, 207 Tenn. 63, 338 S.W.2d 545 (1960).
5. Private Acts of 1959, Chapter 346, was enacted before the above Act become effective. This Act is published herein.
6. Private Acts of 1972, Chapter 227, abolished the four existing Civil Districts of Rhea County and created three in their place, which were in conformity with the apportionment ordered by the Federal Courts.

### **Elections**

The following is a listing of acts for Rhea County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1807, Chapter 74, established five Presidential Electoral Districts in Tennessee and allocated the Counties of Knox, Blount, Anderson, Roane, Rhea, Bledsoe, and part of Campbell County to the Third Electoral District.
2. Acts of 1809, Chapter 1, provided for the State to have three U.S. Congressmen to serve two years. One each would be elected from the Districts of Washington and Hamilton and one would represent the combined Districts of Mero, Robertson, and Winchester.
3. Acts of 1812, Chapter 5, established eight Presidential Electoral Districts in Tennessee. The Fourth District was composed of the Counties of Rhea, Bledsoe, Overton, White, Warren, Franklin, and Jackson, all polls to be compared and counted at Sparta in White County.
4. Acts of 1812, Chapter 27, divided the State into six U.S. Congressional Districts. The Third District contained the Counties of Anderson, Campbell, Roane, Rhea, Bledsoe, Overton, White, Warren, and Franklin.
5. Acts of 1812, Chapter 57, apportioned the State for representation in the General Assembly. Of the 20 Senators, the Counties of Roane, Rhea, Anderson, and Bledsoe would elect one jointly while Rhea County was allotted one Representative alone.
6. Acts of 1813, Chapter 4, declared it the duty of the Sheriff, or his Deputy, to open and hold an

election at the house of John Sapp, residing at the Ford of the Piney River, where the road leading from the town of Washington to Kingston, called the River Road, crosses the Piney River, at all elections. The votes were to be counted and the return made the next day at the town of Washington.

7. Acts of 1815, Chapter 31, organized Tennessee into eight Presidential Electoral Districts, all composed of the same counties allocated to the Districts by the 1812, Act above.
8. Acts of 1819, Chapter 5, established election precincts in several counties throughout the State. In Section 18 the act stated that a precinct election would hereafter be held at the house of William Price, Senior, on Sawnee Creek in Rhea County.
9. Acts of 1819, Chapter 69, reapportioned the State for the General Assembly which still had 20 Senators and 40 Representatives. Anderson, Roane, Morgan, Rhea, Bledsoe, Marion, Hamilton, and McMinn Counties would join together to elect one Senator, and Rhea, Hamilton, and McMinn Counties would share one Representative.
10. Acts of 1822, Chapter 1, provided for nine U.S. Congressional Districts in Tennessee. The Third U.S. Congressional District consisted of the Counties of Campbell, Anderson, Morgan, Roane, Rhea, Bledsoe, Marion, Hamilton, McMinn, and Monroe.
11. Acts of 1823, Chapter 47, formed eleven Presidential Electoral Districts in Tennessee. The 4th District was made up of the Counties of Rhea, Bledsoe, Marion, Hamilton, McMinn, and Monroe. The votes would be counted and compared at Washington.
12. Acts of 1824, Chapter 1, was an exact duplicate of Acts of 1823, Chapter 47, Item 11, above.
13. Acts of 1826, Chapter 3, reapportioned the State from the General Assembly. Roane, Morgan, Rhea, Hamilton, Bledsoe, and Marion Counties would elect one Senator between them and Rhea and Hamilton Counties would share a Representative.
14. Acts of 1827, Chapter 17, divided Tennessee into eleven Presidential Electoral Districts and made no changes from the manner in which the Districts were then made up. The 4th District comprised the Counties of Rhea, Bledsoe, Marion, Hamilton, McMinn, and Monroe.
15. Acts of 1829, Chapter 138, averred that the Sheriff, or the returning officers of the Counties of Rhea and Hamilton shall meet at the town of Washington in Rhea County and compare the votes for Representative to the General Assembly and deliver a certificate of election to the successful candidate.
16. Acts of 1832, Chapter 4, created 13 U.S. Congressional Districts in the State of Tennessee. The Fourth U.S. Congressional District was composed of the counties of Morgan, Roane, McMinn, Rhea, Hamilton, Bledsoe, and Marion.
17. Acts of 1832, Chapter 9, came up with fifteen Presidential Electoral Districts in the State. The 5th District contained the counties of McMinn, Rhea, Bledsoe, Marion, and Hamilton.
18. Acts of 1833, Chapter 71, separated Tennessee into 20 Senatorial and 40 Representative Districts in the General Assembly. The Counties of Roane, Rhea, Marion, Hamilton, and Bledsoe made up one Senatorial District with the votes to be tallied at Washington, and Roane County plus Rhea County equalled one Representative District.
19. Acts of 1833, Chapter 76, provided for 60 delegates to be elected to the Constitutional Convention on the first Thursday and Friday in March next, to meet in Nashville on the third Monday in May to revise, amend, and alter the present Constitution into a new one. Rhea County and Hamilton County would elect one Delegate to the Convention.
20. Acts of 1835-36, Chapter 39, provided for 15 Presidential Electoral Districts in Tennessee. The Fifth Electoral District had in it the Counties of McMinn, Rhea, Bledsoe, Marion, and Hamilton.
21. Acts of 1842 (Ex. Sess.), Chapter 1, increased the number of Senators in the General Assembly from 20 to 25, and the number of Representatives from 40 to 50. Rhea County and Meigs County would share a Representative while Hamilton, Marion, Bledsoe, Rhea, and Meigs county constituted the 8th Senatorial District where the polls would be counted at Harrison in Hamilton County.
22. Acts of 1842 (Ex. Sess.), Chapter 7, divided the State into eleven U.S. Congressional Districts. The Third Congressional District was composed of the Counties of Knox, Roane, Bledsoe, Rhea, Meigs, McMinn, Polk, Bradley, Hamilton and Marion.
23. Acts of 1851-52, Chapter 196, divided Tennessee into ten U.S. Congressional Districts, assigning the counties of Blount, Monroe, Polk, McMinn, Meigs, Rhea, Bledsoe, Bradley, Hamilton, Marion, and Roane to the Third Congressional District.

24. Acts of 1851-52, Chapter 197, organized the State into Senatorial and Representative Districts for the General Assembly. Rhea, Bledsoe, and Hamilton Counties would jointly elect one Representative, counting the polls at Washington. One Senatorial District had in it the Counties of Rhea, Bledsoe, Bradley, Hamilton, and Marion, and the polls would be compared at Harrison in Hamilton County.
25. Acts of 1865, Chapter 34, separated Tennessee into eight U.S. Congressional Districts in this post Civil War Assembly. The Third District contained the counties of Rhea, Hamilton, Marion, Grundy, Bledsoe, Van Buren, Sequatchie, Warren, White, Smith, Cumberland, Putnam, Jackson, Macon, Overton, DeKalb, and Fentress.
26. Acts of 1871, Chapter 146, apportioned Tennessee into 25 Senatorial and 50 Representative Districts. The Counties of James, Meigs, Rhea, and Cumberland would share one Representative while the Seventh Senatorial District would contain the Counties of Rhea, James, Hamilton, Bledsoe, Sequatchie, Marion, Grundy, and Van Buren.
27. Acts of 1872, Chapter 7, formed nine U.S. Congressional Districts in the State. The Third Congressional District had in it the Counties of Blount, Loudon, Roane, Monroe, McMinn, Meigs, Rhea, Polk, Bradley, James, Hamilton, Marion, Sequatchie, Bledsoe, Grundy, Van Buren and Warren.
28. Acts of 1873, Chapter 27, reorganized the State into ten U.S. Congressional Districts. The Third Congressional District under this Act contained the counties of Polk, McMinn, Meigs, Rhea, Bradley, James, Hamilton, Marion, Grundy, Sequatchie, Bledsoe, Van Buren, White, Warren, DeKalb, Cannon, and Cumberland.
29. Acts of 1881 (Ex. Sess.), Chapter 5, permanently fixed the number of Senators in the General Assembly at 33 and the Representatives at 99.
30. Acts of 1881 (Ex. Sess.), Chapter 6, apportioned Tennessee for the General Assembly to conform to the requirements of Chapter 5, above. James County, Meigs County, and Rhea County would share one Representative. The 9th Senatorial District would be made up of the counties of Rhea, Grundy, Sequatchie, Bledsoe, Van Buren, Cumberland, Morgan, and White.
31. Acts of 1882 (Ex. Sess.), Chapter 27, divided the State into ten U.S. Congressional Districts but Rhea County does not appear in any of them. The writer assumes the County would have been in the Third District if it had not been omitted.
32. Acts of 1883, Chapter 237, amended Acts of 1882 (Ex. Sess.), Chapter 27, Item 31, above, so that the Third U.S. Congressional District in Tennessee shall now consist of the counties of Monroe, Polk, Bradley, Hamilton, Meigs, Rhea, Cumberland, James, McMinn, Bledsoe, Sequatchie, Marion, Grundy, Van Buren, White, and Warren.
33. Acts of 1889, Chapter 196, amended Acts of 1882 (Ex. Sess.), Chapter 27, and Acts of 1883, Chapter 237, so as to detach Cannon County from the 5th U.S. Congressional Districts and attach it to the 3rd U.S. Congressional District, and to detach Rhea County and Cumberland County from the Third U.S. Congressional District and attach them to the Fourth U.S. District. Marion County was also moved out of the Third and into the Fifth U.S. Congressional District of Tennessee.
34. Acts of 1891 (Ex. Sess.), Chapter 10, rearranged the representation in the General Assembly based upon the 1890 Census. Rhea County would elect one Representative alone, and share a State Senator with Bledsoe, White, Cumberland, Sequatchie, Van Buren, and Morgan Counties in the 9th State Senatorial District.
35. Acts of 1899, Chapter 391, amended Acts of 1891 (Ex. Sess.), Chapter 10, Section One, Item 34, above, by striking the name of Rhea County from among those counties entitled to one Representative alone. Meigs County was also detached from the 6th Representative District and these two counties were joined together to form one Floterial Representative District.
36. Acts of 1901, Chapter 109, formed ten U.S. Congressional Districts in the State. The 4th U.S. Congressional District was made up of the counties of Sumner, Trousdale, Wilson, Putnam, Jackson, Clay, Overton, Smith, Macon, Pickett, Fentress, Morgan, Cumberland, and Rhea.
37. Acts of 1901, Chapter 122, was the apportionment of the General Assembly precipitated by the 1900 Federal Census. The 9th State Senatorial District was composed of the counties of Rhea, Meigs, Bledsoe, Sequatchie, Van Buren, White, and Cumberland. Meigs County and Rhea County constituted the 10th Representative District.
38. Private Acts of 1921, Chapter 809, provided that hereafter in Rhea County the Election Commission shall hold registration for the purpose of registering all voters at every precinct in the County where the Dortch Ballot Law now applies. This Act was repealed in Item 43, below.

39. Private Acts of 1929, Chapter 130, stated that hereafter in Rhea County there shall be no registration of voters and every conflicting act is repealed.
40. Private Acts of 1943, Chapter 346, amended Private Acts of 1915, Chapter 152, which is the Charter for the City of Dayton, so as to provide that no payment of poll tax shall be required as a condition precedent to voting in any municipal election.
41. Private Acts of 1943, Chapter 347, amended Private Acts of 1917, Chapter 41, the Charter of the City of Graysville, in Rhea County, by adding a provision at the end of Section 3 which eliminated the requirement of the payment of the poll tax as a prerequisite to voting in all municipal elections.
42. Private Acts of 1943, Chapter 348, amended Acts of 1907, Chapter 108, which incorporated the town of Spring City by adding a provision at the end of Section 7 that no payment of poll tax shall be required as a condition precedent to voting in any municipal election in Spring City.
43. Private Acts of 1949, Chapter 21, expressly repealed Private Acts of 1921, Chapter 809, Item 38, above.

## Chapter VIII - Health

### General Hospital

#### Private Acts of 1957 Chapter 21

**SECTION 1.** That the general and overall purpose of this Act be, and the same is hereby declared to be, to cause a General Hospital to be maintained and operated within Rhea County.

**SECTION 2.** That all actions to be taken by said County under the authority of this Act, or other applicable law, not herein or by other applicable law expressly or by necessary implication authorized to be otherwise taken for and on behalf of said County, shall occur by or pursuant to action of the Quarterly County Court of said County, as its governing body.

**SECTION 3.** That said County be, and it is hereby authorized to acquire by its erection and original equipment, purchase, lease or otherwise, and to own, purchase, sell, lease or otherwise dispose of, a General Hospital within the County.

**SECTION 4.** That said County be and it is hereby authorized to maintain and operate such a Hospital by and through a Board of Hospital Directors, hereby created, which Board shall have and exercise, for and on behalf of the County, full authority and powers in and for the purpose of the general and governing control and supervision of the maintenance and operation of such hospital by the County, including the authority and powers to formulate, adopt, prescribe and carry out policies, plans, rules and regulations for the maintenance and operation of such a Hospital by the County, which shall include, among all other ones deemed necessary or proper by the Board, those as to employment, discharge and compensation of personnel, purchase of materials, supplies and equipment, use and disposition of materials, supplies and equipment and making and keeping of books and other records, accountings and reports, public health programs, coordination of the efforts and integration of the functions of public health units and such a hospital so maintained and operated, admission and discharge of patients, rates and payments for services furnished, requisite deposits for admissions and services, prepayment hospitalization plans, responsibility and accountability of all employees or other hospital or staff personnel as to funds, records, occupation and use of premises, equipment, materials, supplies and equipment, examinations and audits of books and other records.

**SECTION 5.** That said Board shall be composed of seven members who are citizens of the County and who have resided in the County for at least two years and who shall be business men with at least five years of general business experience and shall be at least twenty-five years of age. Said Board shall always be composed of at least three members residing in the First and Second Civil Districts and four members residing in the Third and Fourth Civil Districts of Rhea County. Not more than three members of said Board shall be persons who are also Justices of the Peace of the County.

The members of the Board shall be elected by the Quarterly County Court. The Quarterly County Court at its meeting, if and when this Act is approved and ratified, shall elect the first Board which shall take office March 1, 1957. The County Court at its first election shall elect one member whose term shall expire on February 1, 1958, and two members whose terms shall expire on February 1, 1959 two members whose terms shall expire on February 1, 1960, and two members whose terms shall expire on February 1, 1961. At its January meeting each year thereafter, the County Court shall elect the successor to the member, or

members, whose terms shall expire the following February 1st, for a term of four years. The terms of office shall be so staggered that not more than two members will be elected each year so as to have a continuing Board so that there will always be experienced members on said Board. A Director whose term has expired shall continue to serve until his successor shall have been elected in the manner herein provided.

Vacancies occurring in membership of the Board shall be filled at the next meeting of the Quarterly County Court.

Each member of the Board shall, before entering upon the duties of his office, make and file with the Clerk of the County Court an oath to the effect that he will faithfully, honestly and impartially discharge the duties of his office to the best of his ability.

**SECTION 6.** That the said Board of Directors shall receive no compensation for their services but may be paid their necessary expenses incurred in the proper discharge of their duties as members of the Board.

**SECTION 7.** That such Board shall, at its regular meeting in February of each year, organize by electing one of their number as Chairman and shall also elect a Secretary who may, or may not, be a member of such Board.

It will be the duty of the Directors to hold a meeting at least once a month at some place designated by them. They shall meet at any other time upon the call of the Chairman, or upon the call of any three Directors. Said Board shall keep complete, permanent and public records and minutes reflecting all business and transactions of the Board.

**SECTION 8.** That the powers and duties of said Board shall include that, specifically to engage, employ, contract with or otherwise obtain, retain, regulate and control the services of a hospital administrator, or superintendent, to be in immediate charge of and to personally administer or superintend the maintenance and operation of such a hospital by the County, which administrator or superintendent shall so serve at the will, consistent with any applicable contract provisions, of the Board and be directly responsible and accountable to it for and in connection with such operation of the hospital. The compensation of such administrator or superintendent, and any other benefits or other matters in connection with his compensation or basis therefor, shall be as prescribed by the Board. Such administrator or superintendent shall execute and remain under surety bond payable to the State of Tennessee for the use and benefit of the County in such amount and with such surety or sureties as may be prescribed by the Board and be approved by its Chairman and Secretary, to be conditioned so as to assure the full, faithful, complete and honest performance of the duties of such administrator or superintendent and the accounting for and paying over into the office of the County Trustee, in the manner as hereinafter provided, all funds collected or otherwise received in or by virtue of the operation of the hospital by the County, and to account for, preserve or turn over to the Board all funds on hand, materials, supplies and equipment. Any person authorized by the Board to countersign checks shall also be required to execute a like surety bond in an amount to be determined by the Board.

**SECTION 9.** That the Board of Hospital Directors shall administer its own financial affairs, and maintain separate banking arrangements. All disbursements made by the Board shall be made by check, signed by the Hospital Administrator, and countersigned by some member of the Board, or other person designated by the Board. The Board shall install and maintain a system of double entry accounting of all funds received and expended. The Board shall annually, prepare and submit to the Quarterly County Court a budget reflecting in detail all estimated receipts and disbursements of the Hospital. Said Budget shall be for the fiscal year July 1st to June 30th, and shall be submitted by the Board not later than May 1st, prior to the commencement of the fiscal year. The initial Board shall prepare and submit such budget as soon after the effective date of this Act as may be practical; but, in any event, not more than Sixty (60) Days after the commencement of the terms of the members of said initial Board. The Board shall be required to operate said Hospital within the budget adopted by the Quarterly County Court and on a cash or pay as you go basis.

**SECTION 10.** That the Quarterly County Court of Rhea County be and the same is hereby authorized to appropriate to the Board of Hospital Directors from the general funds of the County, such sums as may be required to commence the operation of said Hospital, and thereafter such sums as may be required to pay any deficits arising in the operation and maintenance of said Hospital; and said Quarterly County Court of Rhea County is further authorized and empowered to levy a Hospital tax sufficient for this purpose upon all the taxable property located in said County. Said tax to be a special tax not to exceed Thirty (30) Cents upon each One Hundred and No/100 (\$100.00) Dollars worth of taxable property; and provided that the funds derived from such levy shall be carried on the official books and records of said County, separate and apart from other accounts, and which tax shall be in addition to the levy for general County purposes when collected by the Trustee or received by him from other miscellaneous revenue shall be transferred by him to the Board of Hospital Directors.

**SECTION 11.** That on the first day of July of every year hereinafter, such profits or funds that are in the hands of the Board of Hospital Directors, after retaining such amount as they may deem necessary or advisable for working capital, will be delivered over to the Trustee of Rhea County and take his receipt therefor, and said funds will be used to apply on the retirement of the amount previously advanced by the County for working capital and/or operating expenses.

**SECTION 12.** That the Board of Directors shall prepare and submit to the Quarterly County Court during each quarter of each fiscal year a complete financial statement and report which, among other things, shall reflect a comparison of actual receipts and disbursements with budgeted receipts and disbursements as of the dates of such financial statements.

**SECTION 13.** That the Board of Hospital Directors shall cause an audit to be made annually of the books and records of said hospital by a Certified Public Accountant and reports of said audit, properly certified, shall be delivered to the County Judge who shall present the same to the Quarterly County Court. A copy of said Audit shall be filed with the County Court Clerk which shall become a public record and be open to the inspection of any interested citizen or taxpayer.

**SECTION 14.** That all laws, or parts of laws, in conflict with or inconsistent with the provisions of this Act, or any part thereof, are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

**SECTION 15.** That should any section, or part of a section, of this Act be declared unconstitutional, or for any reason invalid, same shall not be held to impair or invalidate the constitutionality, validity, force or effect of any other section or part of this Act, it being expressly declared by the General Assembly that this Act and the remaining sections, or parts of sections, would have been approved or adopted without regard to the invalidity or unconstitutionality of any part of a section, unless it clearly appears that the remainder of the Act be necessarily dependent upon that part declared invalid or unconstitutional.

**SECTION 16.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of Rhea County, Tennessee, on or before the next regular meeting of said Quarterly County Court occurring more than Sixty Days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the Chairman of the Quarterly County Court of Rhea County, Tennessee, and shall be certified by him to the Secretary of State.

Passed: February 6, 1957.

## Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1937, Chapter 774, declared that in Rhea County, the County Physician, or the Jail Physician, would receive an annual salary of \$1,000, payable monthly out of the general funds of the County. This Act is repealed below.
2. Private Acts of 1937 (Ex. Sess.), Chapter 32, stated that in Rhea County, any person who had worked continuously in a drug store under the direction and guidance of a licensed pharmacist for four years, or longer, and who was recommended by at least two reputable practicing physicians and one reputable pharmacist, could continue to do so upon paying the required licensing fee. This provision and law were not applicable to any other county.
3. Private Acts of 1949, Chapter 32, expressly repeals Private Acts of 1937, Chapter 774, Item One, above, as the same was written.

## Chapter IX - Highways and Roads

### Road Law

### Private Acts of 1927 Chapter 38

**SECTION 1.** That in all Counties in this State having a population of not less than 13,812 nor more than 13,822 according to the Federal Census of 1920 or any subsequent Federal Census, the offices of District Road Commissioners and District Road Overseers are hereby abolished.

**SECTION 2.** That in all Counties in this State, having the population set out in Section 1 of this Act, or which may have said population in some subsequent Federal Census, there is created the Office of Supervisor of Roads. The qualifications of the individual to fill this office shall be a citizen of the County in which he is to serve; he shall be not less than thirty years of age, and shall have had experience in road



building and road maintenance, not necessarily a Civil Engineer. This position shall be filled soon after the passage of this Act by appointment of the County Judge or County Chairman of the Counties effected (sic). Said appointee to serve, unless otherwise legally removed, until his successor is elected and qualified at the next regular August Election after said appointment, at which time he shall be elected by the people at the regular election for a period of four years, and his term of office shall begin September first after said election. If a vacancy should occur by reason of death, resignation, removal (sic) for cause, or other reason, the same shall be filled by appointment of the County Judge or County Chairman. Said appointee to serve until the next succeeding regular August election.

As amended by: Private Acts of 1949, Chapter 631  
Private Acts of 1953, Chapter 45

**COMPILER'S NOTE:** Private Acts of 1949, Chapter 631 amended the present road law by changing the provisions of Section 2 and by deleting Sections 4, 5, 6, 8, 9, 10, and 18 in their entirety. Section 2 was amended so as to allow the Rhea County Finance and Purchasing Commission to employ a Road Supervisor at a salary of no less than \$200 per month and no more than \$250 per month. However, the 1949 Act was repealed by Private Acts of 1953, Chapter 45. It appears to have been the legislative intent to revive the original text of the sections mentioned above. Therefore, the compiler has included these sections as they originally appeared in the 1927 Act.

**SECTION 3.** That the Supervisor of Roads shall, before entering upon the discharge of any of his duties enumerated herein, take and subscribe to an oath that he will faithfully, impartially, and diligently to the best of his skill and ability, perform all duties connected with his said office and account for all money coming into his hands and he shall make and file in the office of the County Court Clerk of such Counties a bond in the just and full sum of Ten Thousand Dollars with good and solvent sureties, which shall be approved by the County Judge, payable to the State of Tennessee for the use and benefit of the County, conditioned upon his faithful performance of his duties of office as set out and prescribed by the terms and provisions of this Act, the faithful accounting for all funds and County property coming into his hands as such official. Such Supervisor of Roads shall devote his entire time and undivided attention to the duties of his office, and shall receive as compensation the sum of \$2400.00 per annum, payable upon a warrane (sic) issued by the County Judge to the Trustee of such County, at the rate of \$200.00 per month on the 1st day of each month, and shall be payable monthly on such date for the preceding month. Said salary shall be paid out of the County road funds.

Said Supervisor of Roads shall not receive or have, directly or indirectly, any interest in, or profit arising from, any work of contract referred to in this Act, nor any gift or gratuity or benefit from any person or corporation interested in such work or contract, and should he violate the provisions of this Act he shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$50.00 nor more than \$250.00 and shall be removed from office. Any vacancy caused by such removal shall be immediately filled by appointment by the County Judge, until next general August election.

As amended by: Private Acts of 1943, Chapter 36  
Private Acts of 1953, Chapter 50  
Private Acts of 1953, Chapter 569  
Private Acts of 1961, Chapter 157

**SECTION \_\_\_\_.** From and after the passage of this Act the salary of the Road Supervisor for Rhea County shall be Ten Thousand (\$10,000.00) Dollars per year, payable Eight Hundred Thirty-Three Dollars and Thirty-Three Cents (\$833.33) per month. This salary to be paid monthly from the County Funds of Rhea County in the way and manner now provided by law for said County.

**COMPILER'S NOTE:** Private Acts of 1969, Chapter 159 added to Private Acts of 1927, Chapter 38, the new section reproduced above, but failed to designate a section number. Tennessee Code Annotated Section 8-24-102 establishes the minimum compensation for the Road Supervisor. Supervisor.

As amended by: Private Acts of 1969, Chapter 159

**SECTION 4.** That said Supervisor of Roads in conjunction with the County Judge or Chairman, shall appoint District Road Supervisors, one for each of the Civil Districts of the County, the term of appointment or employment to be for a period of one year, unless sooner terminated for reasons satisfactory to the Supervisor of Roads and County Judge. Each of said District Road Supervisors shall be assigned such duties in their district as appears to said Supervisor of Roads to be necessary and proper for the improvement of road conditions in said districts and said District Road Supervisor shall receive such compensation as may be fixed by the Supervisor of Roads, in no event to exceed \$3.00 per day and then to be paid only during the period said District Road Supervisors are actually engaged in working. That the Supervisor of Roads shall give the District Road Supervisors written instructions as to the time and place of working the various sections of the roads and repair of bridges and application of funds, thereto. A day for the purpose of this Act shall be nine hours.

Said District Road Supervisors shall, with the aid and under the direction of the Supervisor of Roads, each

assign the labor in each particular district. Such Assistant District Road Supervisor shall be appointed in each district by the Supervisor of Roads and the County Judge or County Chairman, as may be necessary, whose wages will be fixed by the Supervisor of Roads, and whose (sic) duty it shall (sic) be to furnish an accurate and complete list of all male inhabitants between the ages of 21 and forty-five years inclusive in his section to the Supervisor of Roads and to do and perform any and at (sic) duties that may be assigned them by said Supervisor of Roads.

Said District Road Supervisors and Assistant Road Supervisors shall take and subscribe to an oath upon their appointment to faithfully, impartially and diligently discharge the duties of their office and to account for all County property coming into their hands. And each District Road Supervisor shall enter into a good and solvent bond in the sum of \$1,000.00 with good and solvent sureties, which shall be approved by the County Judge or County Chairman, and filed in the office of the County Court Clerk, payable to the State of Tennessee for the use and benefit of the County, for the faithful performance of all duties imposed upon them and for the proper care of all machinery, tools, and other property that may come into their hands by reason of such appointment to such position, and to turn over to the Supervisor of Roads all machinery, tools and other County property for which they signed receipt with the Supervisor of Roads, when required by said Supervisor of Roads.

**COMPILER'S NOTE:** Tennessee Code Annotated Section 54-7-108 sets the bond of the Road Supervisor at \$100,000.

**SECTION 5.** That said Supervisor of Roads in conjunction with the County Judge, or County Chairman, shall through the agencies herein provided, manage and control all public roads and bridges of the County, giving especial attention first to graded and macadamized roads and post roads, have control over all labor upon the public roads and bridges and the expenditure of the road and bridge funds. Said officials shall have the right to avail the County of any help from any good road associations, the State or Federal Government either in the way of expert assistance or financial aid. It shall be the duty of the Supervisor of Roads immediately upon his induction into office, to take into his possession the road tools and machinery of the County, keeping same in a dry and secure place when not in use, and when he lets same out to take the written receipt of official to whom they are turned over, and it shall be his duty to keep an account of all road tools and machinery. And said Supervisor of Roads in conjunction with the County Judge or County Chairman shall (sic) have the right and authority to purchase all road tools and machinery necessary to properly maintain the system of roads existing in the County and to the best interest of the public and may purchase the same on time or pay cash for same, and when said amounts are paid they shall be paid out of the road fund of the County, on a warrant drawn on the County Trustee. Said Supervisor of Roads shall have the power, in his discretion, to control of all prisoners, confined in the County Jail or Workhouse under workhouse sentences as provided by law, and cause them to be worked (sic), by contract, or otherwise as he sees fit upon the public roads. Said supervisor and County Judge or County Chairman shall have the power to employ guard or guards paying for their services out of the road fund, and that whenever the number of prisoners shall not be equal to as many as ten, or it does not appear to be expedient to said Supervisor of Roads to work said prisoners from a camp or temporary workhouse, he shall have the authority to keep said prisoners in the County Jail, which is hereby declared a County Workhouse for such prisoners, but nothing herein shall be construed to relieve the sheriff or jailor of any responsibility for such prisoners, now or hereafter imposed by law, except when the prisoners are actually at work, under orders of said Supervisor of Roads, and provided the jailor or sheriff shall not be entitled to but one turnkey for each prisoner.

**SECTION 6.** That the Supervisor of Roads shall order the payment by the County Trustee by written order of all money collected by taxation and otherwise belonging to the road or bridge fund, for the construction, improvement, working or repairs of public roads and bridges, orders to be drawn and signed by the Supervisor of Roads and countersigned by the County Judge or County Chairman. Said order shall plainly specify (1) the amount to be paid; (2) to whom; (3) for what the expenditure is made; (4) the District and fund to which the same should be charged and said orders when so signed and countersigned shall be sufficient authority to the Trustee for the payment thereof

**SECTION 7.** That it shall be the duty of said Supervisor of Roads to make a quarterly report to the Quarterly County Court showing in detail the condition of the road funds, the amount expended in each district, to whom paid and for what purpose and also showing in detail the work performed upon such roads during the preceding quarter, together with a complete list of the tools and machinery on hand and such other matters affecting the public roads and bridges of the county as may be material and proper to bring to the knowledge of said court, and it shall be the duty of said Supervisor of Roads to make recommendations, from time to time to said court in quarterly (sic) sessions, as to the need of appropriations of various roads and bridges, and shall when requested furnish said court with all available information as to the condition of such road or bridges needing such appropriations, and when said appropriations are made they shall be expended under the direction of said Supervisor of Roads.

**SECTION 8.** That at the same time the County Court in quarterly (sic) sessions shall levy taxes for other purposes it shall levy a tax for the purpose of public road and bridge maintenance, said road and bridge tax to be not less than 15 cents nor more than 25 cents upon each one hundred dollars worth of taxable property in such county, and in addition to such tax as herein provided all male inhabitants of such counties between the ages of twenty-one to forty-five years, inclusive, except those living in incorporated towns and cities, and those who are exempted from road service by the County Court on 'account of physical infirmities, as provided by law, shall pay into the office of the County Trustee a sum of \$3.50 each year, at the same time other taxes are paid, which shall be a part of the road fund of the road district in which the person resides and which taxes shall be collected by the trustee as other taxes are collected, provided any one subject to road tax may pay and discharge the same by performing seven days labor on the public road in the section in which he resides at such time and such place as may be designated by the Supervisor of Roads of such Counties.

**SECTION 9.** That any person or persons, subject to road labor, under the provisions of this Act, who fail and refuse to pay said road tax, or work the road, as herein provided, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$10.00 nor more than \$25.00 and it shall be the duty of the County Trustee, Supervisor of Roads and District Supervisors to report to the Grand Jury any violation of this Act, and in addition to this, the Grand Jury are given inquisitorial powers over the same.

**SECTION 10.** That all labor performed or funds expended, upon the roads or bridges, shall be performed under the immediate supervision of the District Road Supervisor of the district in which the work is being done or expenditure made, with the aid, advice, consent and general supervision of the Supervisor of Roads, and under such directions as said Supervisor of Roads shall deem proper to give. And inasmuch as the purpose of this Act is to affect a real improvement in the maintenance of public roads and bridges, and to secure adequate return for the money and labor expended on such roads and bridges it is expressly provided that no inefficient service shall be accepted, but real labor and full and sufficient service shall be required of all contractors, laborers and teams, and a failure to enforce this provision of this Act will constitute misfeasance in office on the part of the District Supervisors and Supervisors of Roads responsible therefor, or knowingly permitting the same, and shall subject the party guilty of such to removal from office upon conviction thereof, upon indictment or presentment by the Circuit or Criminal Court.

**SECTION 11.** That no road official shall hire to himself any wagon and team, or sell to himself directly or indirectly any material, or contract or deal with himself in any manner pertaining to the construction or maintenance of any work on any public road or bridge, or be interested directly in any work or any contract on any road or any bridge in the county where he serves. Any violation of this section shall be a misdemeanor and punishable by a fine of not less than \$25.00 nor more than \$50.00 and all costs and said guilty official shall be removed forthwith from office.

**SECTION 12.** That the Supervisor of Roads is hereby authorized and vested with the power, and it shall be his duty, to formulate rules for the regulation of traffic over any of the roads and bridges of the counties coming under the provision of this Act as will best preserve and protect said roads and bridges against the traffic of heavy loaded trucks, wagons and other vehicles, at all times, and in the event of violation of the reasonable rules and regulation for the protection of said roads as herein provided, the offender or offenders shall be guilty of a misdemeanor and it shall be the duty of the Supervisor of Roads and District Road Supervisors upon information furnished them or any of them of the violation of said rules and regulations made for the protection of said roads and bridges to immediately apprehend the offender and cause him to be brought before some Justice of the Peace to answer said charge and said Supervisor of Roads shall be the prosecutor, and upon conviction such offender shall be fined not less than \$25.00, nor more than \$50.00 for each and every such offense and in addition thereto pay the costs of the case. All fines collected under the provisions of this Act shall be paid into the County Treasury and placed by the trustee to the credit of the road fund. It shall be the duty of the Supervisor of Roads to make public the rules and regulations with regard to the traffic on said roads by publication in some newspaper published in the county, or by printed posters in public places in said county, or by pamphlets properly distributed, or by actual notice delivered to any and all persons who may use (sic) said roads and bridges in violation of said rules and regulations as declared and promulgated by said Supervisor of Roads and the violation of said rules so promulgated and declared by said Supervisor of Roads is hereby declared to be a misdemeanor and punishable as hereinbefore provided. The expense for the enforcement of this section of this Act shall be paid out of the road funds.

**SECTION 13.** That all applications to open, change, close and restore to the public use any and all public roads in such counties shall be made by written petitions to the Supervisor of Roads setting out the district or districts in which the road is located. The Supervisor of Roads within ten days after the application has been filed with him, shall notify the person first named on the petition of the date at which he will be present at the beginning point mentioned in the petition to act on the application. The

petitioners shall give five days written notice of the time and beginning point to all landowners to be affected by the proposed change. If any land owner affected by the proposed change is a non resident then ten days written notice to his agent or attorney residing in the county shall be legal notice. The Supervisor of Roads shall attend at the appointed time and place, and if proper notices have been given, shall act upon the application, assess the damages against the county and report his action to the County Judge and with his report, file the original petition, notice to landowners and the names of material witnesses. The County Judge shall consider the whole matter and make such orders opening, changing or restoring to the public said proposed road as may be deemed best for the interest of the public, and shall draw a warrant on the trustee of the county for such amount to be charged to the district or districts in which the road lays, to pay all damages to the landowners affected by the change. Any interested party may appeal to the next term of the Circuit Court, provided he shall perfect his appeal within ten days from the decision of the County Judge, or County Chairman.

The Supervisor of Roads and the County Judge or County Chairman may of their own motion and by their own initiative open, change, abandon or restore to public use, any road or roads, without petition, by observing all the essential (sic) requirements as set out herein in case of petition.

**SECTION 14.** That said counties shall have the power to receive by gifts or to acquire in the usual way and manner, or by condensation, rock quarries, chert beds and gravel beds or pits for use in repairing and constructing roads in said counties. The Supervisor of Roads may institute proceedings in the name of the county, on relations, etc., as now provided by law.

**SECTION 15.** That the Supervisor of Roads or any person acting under his direction and authority may enter upon any land adjoining or near any section of road to construct any drain or ditch necessary to the preservation of improvements of such roads, and it shall be the duty of the Supervisor of Roads at all times, and those working under his orders and directions, to keep open all ditches and drains on all roads in the county so as to prolong the life of the road. Any person or persons who shall place or cause to be placed in any way whatsoever, any obstructions in the roads, ditches, or drains of said counties which would obstruct or damage in the least the public roads included in this Act shall be guilty (sic) of a misdemeanor and upon conviction before any Justice of the Peace shall be fined not less than ten dollars, nor more than twenty-five dollars for each offense, and the Supervisor of Roads is authorized and empowered and it is made his duty to prosecute all offenders.

**SECTION 16.** That the Supervisor of Roads in the performance of his duties under this Act, shall not prefer one section of road above the other, or show partiality, but shall perform the duties of his office for the best interest of the whole county, each and every road to be cared for according to its relative importance to the other roads of the county, and the travel and traffic there. on. (sic)

**SECTION 17.** That the Supervisor of Roads shall make all necessary rules and regulations for the working of the public roads of the county or any particular road, and may designate the time when such roads are to be worked, provided that the designation of such time shall not deprive said Supervisor of Roads of the right to alter or change such time afterwards as in his judgment he deems best.

**SECTION 18.** That it shall be the duty of the County Judge or County Chairman to furnish at the expense of the County such books and blanks to the Supervisor of Roads, District Road Supervisors and Assistant District Road Supervisors necessary to carry out the provisions of this Act, further to have printed in pamphlet form, copies of this Act, not to exceed one thousand, at the expense of the County for distribution among the tax payers of the county.

**SECTION 19.** That each section, subdivision and paragraph of this Act is hereby declared to be a separate and independent clause from any other section, sub-division or paragraph hereof and the illegality or invalidity of any section or subdivision or paragraph hereof shall not affect any other section or paragraph.

**SECTION 20.** That all laws and parts of laws in conflict herewith, or with any part hereof, be and the same are hereby expressly repealed.

**SECTION 21.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 28th, 1927.

## Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Rhea County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1821, Chapter 6, required the County Courts of all the counties in Tennessee to index and classify the roads in their counties into three classes, determined primarily by the width, use, and surfacing material of the road. Roads of the first class had to be maintained to a higher degree

than the others. There were Penalties in this Act for obstructing the roads and for failing to comply with the terms of this Act. This Act may have been the first step taken which has led to Tennessee's fine State and County road and transportation systems.

2. Acts of 1826, Chapter 190, appointed Benjamin Jones, and Phillip Abel, of Rhea County, as Commissioners for a turnpike road, running through Rhea, Hamilton, and Bledsoe Counties. The Act further provided that all people of these three counties who have assisted in the opening of this road, who have worked upon it before the passage of this Act, and all persons going to and from mills, musters, church, or blacksmith shops, are exempt from paying toll on this road.
3. Acts of 1829, Chapter 6, named George Dawson of Bledsoe County, and James Preston, of Rhea County, as the Commissioners for a turnpike road which would be built and maintained by Randolph Ross and Reuben Ross, with George Gordon.
4. Acts of 1829, Chapter 134, stated that the proprietors of the turnpike which crosses Walden's Ridge in Rhea and Bledsoe Counties shall not hereafter be required to pay a tax greater in amount than \$10.
5. Acts of 1829-30, Chapter 40, named William T. Gillingwater, of Rhea County, as an additional Commissioner on the turnpike road leading from the foot of Walden's Ridge in Bledsoe County to the foot of the said Ridge in Rhea County, commonly called Beattie's Turnpike.
6. Acts of 1829-30, Chapter 53, released and discharged the owners and proprietors of the turnpike road leading from Bledsoe to Rhea County, known by the name of Beattie's Turnpike, from paying any tax for keeping a turnpike toll gate on the said road.
7. Acts of 1829-30, Chapter 209, appointed John Ayers and Herman Collins, of Bledsoe County, as Commissioners for the Turnpike Road running from Acquilla Johnson's and running thence near Sam Cathey's mill, Bledsoe County, crossing Walden's Ridge in the most direct line to Washington in Rhea County, at or near Orvill Paine's.
8. Acts of 1839-40, Chapter 150, was the enabling law for Moses Thompson, of Rhea County, to open a turnpike road, starting in Grassy Cove in Cumberland County and crossing Walden's Ridge by the most practical route to the foot of the mountain in Rhea County which allowed him to charge the same tolls as on other turnpikes. The Act named Weatherton S. Greer, of Bledsoe County, James J. Cash, and E. E. Warson, of Rhea County, as Commissioners to examine the road periodically. The people living in the First Civil District of Rhea County and the Second Civil District of Bledsoe County were exempted from paying the tolls on the road. This Act was repealed by the one following.
9. Acts of 1859-60, Chapter 89, expressly repealed the 1839 Act above which related to Moses Thompson. This Act was the legal authority for William R. S. Thompson to build a turnpike road starting from near Grassy Cove in Cumberland County, running across Walden's Ridge to the foot of the mountain in Rhea County, which would descend the mountain between David Roddy's gap and the Piney River. The road must meet the specifications set up in the Act. James Robison, of Rhea County, and John Garrison, of Cumberland County, are named to examine and inspect the work as it progresses and every six months after completion for which they would each be paid \$2 per day. The right to charge the tolls specified in the Act would endure for the 25 year life of the franchise period. All tollgate keepers on the road must take an oath that they will not charge any greater amount for tolls than the ones specified in the Act.
10. Acts of 1865, Chapter 20, authorized F. A. Henagar, James R. Rigsby, George W. Rider, and Abel A. Pearson to establish a turnpike road across Quall's Trace of Walden's Ridge, beginning at the point where J. L. Hutchison formerly lived in Rhea County and running thence to Bridgeman's Mill in Bledsoe County.
11. Acts of 1865-66, Chapter 25, appointed William A. Green and Robert R. Barger, both of Rhea County, and William Skillem, of Bledsoe County, as the Commissioners for the Kinka Turnpike, whose Charter is hereby reviewed.
12. Acts of 1869-70, Chapter 43, granted to the Cincinnati and Southern Railroad the right to enter upon any land in the several counties listed in the Act, including Rhea County, for the purpose of examining and selecting the rights of way for the Railroad, which would commence in the City of Chattanooga and extend to the northern boundary of the State.
13. Acts of 1901, Chapter 136, applied to all counties under 70,000 in population. The Act was a general road law for all affected counties which allowed the county court to appoint a Road Commissioner for each Road District, which would be coextensive with the Civil Districts. The commissioners would be in office for two years discharging the duties listed in the Act. The county court must assign road hands to the districts and determine the number of days each was

- required to work which must be no less than five nor more than eight. The quarterly courts must further levy a special road tax of two cents per \$100 or property valuation for each day they decide for the road hands to work, but two-thirds of this tax may be worked off. Commissioners would name the overseers in each District who were in immediate supervision of the roads, who would establish reasonable specifications for the roads to be built, who would index and classify the roads, and who would hear and dispose of the petitions for opening, closing, or changing roads. The county court had the authority to contract some of these roads repair and maintenance out. The Commissioners would be paid the same amount as the justices of the peace for their attendance at the quarterly court. A road tax not to exceed 20 cents per \$100 property valuation was to be levied for expenditure in the County road system.
14. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor particulars, but most substantially in the procedures to be followed to secure rights of way for the county and state roads, especially where and when the power of eminent domain had to be used to obtain the same.
  15. Private Acts of 1921, Chapter 844, directed that K. F. Johnson and M. D. Hinds be added to the Board Commission to build lateral roads in Rhea County and their powers, duties, and compensation shall be the same as the other members of the Board Commission (See Bond Issues for Roads.)
  16. Private Acts of 1933, Chapter 151, created a Department of County Roads in Rhea County, identified by the use of the 1930 Federal Census, whose management would be vested in a five member County Road Commission and a Supervisor of Roads. No member of the county court could serve in either position nor could they be members of the county court. Five Road Zones were set up which were made up of whole Civil Districts, and one commissioner would be elected from each District by the people. Regular meetings of the commission would take place on the first Tuesday in each month but called meetings could be held at any time. Their compensation was \$3.00 for each regular meeting and nothing for a called meeting. The Commission would be in charge of all the roads, bridges, and culverts in the county, except those under the supervision of the state, hear and dispose of petitions to open, close or change a road, but all bridges costing over \$300 had to have prior approval by the county court. The purchasing commission would procure materials, placing all items over \$350 on competitive bids. The Act named to the Board G. C. West, Charlie Tooley, C. E. Reid, O. D. Wilburn, and W. J. Jared for the respective Districts in that order. The Commission would report to the County Judge, or Chairman, the condition of the road funds each month. All males outside cities between the ages of 21 and 50 must work 6 days on the roads, or pay over \$6. Penalties were provided for those in violation of any of the terms and conditions of this Act, which was later repealed as amended by Private Acts of 1943, Chapter 152.
  17. Private Acts of 1935, Chapter 415, amended Private Acts of 1933, Chapter 151, Section 3, above, by striking the provision for a compensation of \$3.00 per day for members of the Road Commission and substituting \$100 per year for each member, payable quarterly, which would be in place of all other compensation. A Section 6 is added to the Act which provided that the County Road Supervisor shall be employed for a term of two years, and shall enter upon the discharge of his duties on the first Tuesday in September following the general election in August.
  18. Private Acts of 1935 (Ex. Sess.), Chapter 62, incorporated the area and the inhabitants of Rhea County and Meigs County as the "Rhea and Meigs Special District" to construct, maintain, and operate, a bridge across the Tennessee River at or near a point between Dayton and Decatur, which corporation was endowed with all the corporate powers and privileges incidental to those institutions. A six member Board of Commissioners was provided, one of whom would be Chairman, and another, Secretary. The Act named J. W. Lilliard, J. R. Coffman, W. A. Shadow, James Abel, Glenn Woodlee and Owen Wasson to the first Board. Three Commissioners would be elected in each county at the next general August election for four year terms, succeeding those named above. The Commissioner had the power and authority to acquire the land, construct, and maintain the said bridge. They could also issue bonds at interest rates not to exceed 6% and to mature in 40 years, or less, from date of issue. The Commission would provide a schedule of tolls, rates, and fees to be charged on the bridge which would be sufficient at all times to accomplish the above stated purposes. Bond holders were given certain expressed rights to secure their investments. Commissioners would employ all the personnel to operate the bridge, and serve without pay except they would be reimbursed for their actual out of pocket expenses up to \$25 a year.
  19. Private Acts of 1937 (Ex. Sess.), Chapter 24, was the legal authority for the County Judge, the Supervisor of Roads, and the Superintendent of Public Instruction, all of Rhea County, to make a

settlement, subject to the approval of the County Court, with Raymond Hawkins, who was injured while working with the County Highway Department, and with Max Harwood, through his father, Morgan Harwood, which younger Harwood sustained injuries while operating a saw in the Manual Training Department of the Spring City High School.

20. Private Acts of 1941, Chapter 430, ratified and confirmed in all respects the use and application heretofore made in Rhea County of highway reimbursement funds. The actions of the County Trustee in the consolidation and handling of the debt service accounts and sinking fund assets including interest accrued on the bonds held in any sinking funds under the authorization of and with the permission of the Quarterly County Court are also ratified and confirmed in all respects.
21. Private Acts of 1943, Chapter 36, amended Private Acts of 1927, Chapter 38, Section 3, the Rhea County Road Law, published herein, by increasing the annual salary of the Road Supervisor from \$1,800 to \$2,400 and the monthly rate of pay from \$150 to \$200.
22. Private Acts of 1943, Chapter 152, specifically repeals Private Acts of 1933, Chapter 151, Item 16, above, and all its amendments in their entirety.
23. Private Acts of 1949, Chapter 622, validated, ratified, and confirmed four printed pages of claims which had been filed against the Rhea County Highway Department and which were at that time in the County Accountant's office. The Quarterly Court is allowed herewith to borrow enough money to pay the said claims at an interest rate not to exceed 4%. Since the money was used for the roads in Rhea County, it shall be repaid out of the shared gasoline tax money from the State. \$2,500 shall be set aside each month and applied to the payment of these claims until all of them have been liquidated.
24. Private Acts of 1949, Chapter 631, amended Private Acts of 1927, Chapter 38, the Rhea County Road Law, by inserting a new Section 2 which set up the position of Road Supervisor and set the salary between \$200 and \$250 a month, and repealed Section 4, 5, 6, 8, 9, 10, and 18 in their entirety, as written. This Act was repealed by the one below.
25. Private Acts of 1953, Chapter 45, expressly repealed Private Acts of 1949, Chapter 631, Item 24, above, in its entirety, thus restoring Private Acts of 1927, Chapter 38, to its original text.
26. Private Acts of 1953, Chapter 50, amended Private Acts of 1927, Chapter 38, Section 3, by increasing the annual salary of the Road Supervisor from \$2,400 to \$4,800 and the monthly pay rate from \$200 to \$400. This Act was repealed in Item 28.
27. Private Acts of 1953, Chapter 569, amended Private Acts of 1953, Chapter 50, Section One, above, by reducing the annual salary of the Road Supervisor from \$4,800 to \$3,600, and the monthly rate of pay from \$400 to \$300, but set up an expense account of \$600 a year payable \$50 a month. This Act was repealed in Item 28.
28. Private Acts of 1968, Chapter 492, would have amended the Road Law of Rhea County, in Section 3, by raising the annual salary of the Road Superintendent from \$5,400 to \$7,200, but this Act was rejected by the Quarterly Court and never became an effective law.

## Chapter X - Law Enforcement

### Sheriff

#### Private Acts of 1996 Chapter 160

**SECTION 1.** As used in this act, the following words and terms shall have the following meaning:

- (a) "Appointing Authority" means the sheriff of the county who is charged with the duty of appointing and/or dismissing the personnel employed under his direction.
- (b) "Board" means the civil service board.
- (c) "Classified Service" means those positions of employment contained in the civil service system.
- (d) "Employee" means any person appointed to a position or office in the classification service.
- (e) "Secretary" means secretary to the civil service board.
- (f) "System" means the civil service system of the county.

**SECTION 2.** There is hereby created a civil service board composed of five (5) members.

**SECTION 3.** As soon as practicable after approval of the act, the chairman of the county commission shall

convene the board of county commissioners for the purpose of electing members to the civil service board.

The board of county commissioners shall by a majority vote elect five (5) board members who shall take office upon the effective date of the system and who shall serve for the following terms: two (2) members for a term of one (1) year, two (2) members for a term of two (2) years, one (1) member for a term of three (3) years. Subsequent to the initial terms of board members, as provided in this section, each member thereafter appointed to the board shall serve for a term of three (3) years. Vacancies on the board caused by the expiration of the terms of its members will be filled by election in the same manner as set out in this section for the initial appointment of members. Any vacancy occurring on the board other than those due to the expiration of a term shall be filled for the unexpired term by a majority vote at the next regularly scheduled meeting of the county commission. Each board member shall serve until his successor is appointed and qualified. No person shall be eligible to serve as a member of the board:

- (a) Who is under the age of eighteen (18) years;
- (b) Who resides outside the county;
- (c) Who holds any elected or appointive office of the county;
- (d) Who is an employee of the county; and
- (e) Who is an officer of any organized political party.

Any member of the board may be removed for just cause during the member's term of office by a two-thirds (2/3) vote of the body which elected the board member, but only after such board member shall have been served with a statement in writing of the reasons alleged to justify removal, and only after such member is allowed an opportunity to be represented and publicly heard in his or her defense before the body which elected the board member.

**SECTION 4.** The board shall meet as soon as practicable following the effective date of the system. By a majority vote of all board members, the board shall, at its first meeting elect a chairman for a term of one (1) year who will preside at all subsequent meetings during said term. Thereafter, the board will elect a chairman by a majority vote of all board members upon the expiration of the former chairman's term. The board shall determine the order of business at its meetings and shall make out such rules and procedures as it deems necessary for the efficient and orderly conduct of its meetings.

The board shall also designate the time and place within the county for its regularly scheduled meetings and any special meetings.

At all meetings of the board subsequent to the first meeting, the presence of any three (3) members of the board shall constitute a quorum for the transaction of the business of the board.

**SECTION 5.** The powers and duties of the civil service board shall be as follows:

- (a) To adopt and amend rules and regulations for the administration of this part;
- (b) To make investigations concerning the enforcement and effect of this part and require observance of the rules and regulations made thereunder:
  - (1) The practice and procedure of the board with respect to any investigation by the board authorized by this part shall be in accordance with the rules and regulations to be established by the board. The rules shall provide for reasonable notice to all persons affected and for the opportunity to be heard, either in person or as represented by counsel, and to introduce testimony on their behalf at a public hearing;
  - (2) The board, when conducting any investigations or hearings authorized by this part shall have the power to administer oaths, take depositions, issue subpoenas, and compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony;
- (c) To hear and determine appeals and complaints respecting the administration of this part;
- (d) To establish and maintain a roster of all employees of the classified service showing their position, rank, compensation and place of residence;
- (e) To ascertain and record the duties and responsibilities pertaining to all positions in the classified service and classify such positions in the manner hereinafter provided;
- (f) Except as otherwise provided in this part, formulate and hold competitive tests to determine the qualifications of persons who seek employment in any position, and as a result of such tests, establish employment lists of eligibles for the various positions;
- (g) Establish records of performance and a system of service ratings to be used to determine the



order of lay-offs and re-employment and for other purposes; and

(h) Keep any other such records as may be necessary for the proper administration of this part.

**SECTION 6.** The board of county commissioners shall set the compensation, if any, of the members of the civil service board.

**SECTION 7.** The civil service of the county is hereby divided into classified and unclassified services. The classified service shall comprise all positions of employment for the sheriff's department not specifically included in the unclassified service.

Persons holding classified service positions at the time this part becomes operative, who have served for period longer than six (6) months, shall be retained without preliminary or performance tests, but shall thereafter be subject in all other aspects to the provisions of this part.

Any other persons in the classified service at the time this part becomes operative shall be regarded as holding their positions under provisional appointment. The unclassified service shall include:

- (a) Officials elected by popular vote and persons appointed to fill vacancies in such elective offices;
- (b) Members of duly established boards and commissions of the county;
- (c) Any person retained by the county on a consulting basis and any professional person hired in his professional capacity as determined by the board;
- (d) Any person who provides services to the county on a volunteer basis or who receives no compensation for said services;
- (e) Any person occupying the position of department head, deputy department head, chief deputy, or a personal assistant to a department head as is designated by an appointing authority. The intent of this provision is to restrict positions in the unclassified services to those that involve sensitive policy-making duties. In granting its approval, the board shall consider this intent as well as the size of the department in question. A list of these additional positions shall be prepared and maintained by the secretary; and
- (f) Any person who is a part-time employee who works less than twenty (20) hours per week. Part-time employees who work more than twenty (20) hours per week but less than forty (40) hours will remain unclassified unless thirty-nine (39) weeks per year are worked in excess of twenty (20) hours per week.

**SECTION 8.** Any person coming under the classified service who shall hereafter be inducted into the armed forces of the United States, or who shall hereafter enter the service voluntarily in a time of war or other national emergency, shall, upon application, receive a military leave of absence for the duration of the period of service required. The employee shall retain all rights or seniority and shall be entitled to re-employment in the same capacity and position he held at the time of entering military service; however, an application for reinstatement in such position must be made by or on behalf of such employee within three (3) months after termination of active service in the armed forces.

**SECTION 9.** The appointing authority will keep the board informed by periodic reports of the employment needs of his office.

The board shall, as often as necessary, hold tests to establish lists of persons eligible for the various positions in the classified service.

Such tests shall be public, competitive and free to all persons who may be lawfully appointed under the rule promulgated by the board and existing prior to the announcement of the examination and shall be in compliance with all state and local rules and regulations governing discrimination on the basis of race, creed, color, sex, age, national origin, or handicap as well as any laws regarding Americans with disabilities. Such rules may set limitations as to health, previous criminal convictions, misdemeanors involving theft, and other necessary prerequisites for the performance of the duties of the position for which examination is designated.

All tests shall be practical and shall consist only of subjects which will fairly determine the capacity of the person examined to perform the duties of the position in which the appointment is to be made. Tests may include examination for physical fitness and manual skill. No question in any test shall relate to religious or political opinions or affiliations.

The eligibles shall take rank upon a list which shall be compiled for each position, in the order of their relative excellence as determined by the tests and without reference to when the tests were given. No lists of eligibles shall be valid after one (1) year; however, the civil service board may extend an eligible period for not more than one (1) additional year.

Notice of the time, place and general scope of each test and the duties, pay and experience required for

all positions for which the test is to be held, shall be given by the board to each applicant at least one (1) week preceding the test. The notice must be in writing and addressed to the last known address supplied by the applicant. Notice of promotional tests shall be given as the board may prescribe.

**SECTION 10.** Whenever a vacancy occurs in any position in the classified section, the department shall ask the board for the names and addresses of all eligible persons. The board shall certify the names of all persons on the eligible list for that position within five (5) working days of the request. The department head shall investigate each of the five (5) highest on the list of eligibles. If none of the five (5) eligibles are acceptable to the department head, he shall investigate the next five (5) eligibles on the list, one (1) after the other until one (1) of the eligibles investigated is acceptable. The department head shall appoint this person to the position and notify the board of his or her action. If the civil service board fails to provide a list, then the department head may make appointments to vacancies after having notified the board of his or her intention to do so.

No appointment for any position in the classified services shall be deemed complete until after the expiration of six (6) months of probationary service, during which time the department head may determine the effectiveness of the employee and if, in the standards, the department head may terminate the employment of that person.

Whenever a position of the classified services is filled by promotion, and the services of the person promoted are terminated by the department head during the probationary period, such person shall be returned to the person's former position in the classified service unless such person's conduct during the probationary period has given grounds for dismissal for cause under this part.

Any person dismissed during the probationary period shall not be eligible for a hearing before the board.

A person certified to the department head who does not report for duty at the time so designated may be rejected by the department head, who shall notify the board of the action taken and the reason for it. The person's name will then be stricken from the eligible list.

**SECTION 11.** For unsatisfactory performance of duties or other causes, an employee in the classified service may be subject to the following discipline by the appointing authority:

- (a) Reprimand;
- (b) Suspension without pay for a period not to exceed thirty (30) days;
- (c) Reduction in pay within allowable range for class of employee;
- (d) Demotion to a lower classification;
- (e) Dismissal for service; and
- (f) Retirement under the terms of the retirement act, as applicable.

The appointing authority will make the disciplinary order in writing stating the discipline to be taken and the reasons for such discipline.

The disciplined employee may respond in writing within seven (7) days of receipt of the order of discipline. The board will then hold a hearing thereon, and shall thereupon fully hear and determine the matter and shall either affirm, modify or revoke such order of discipline. The appellant shall be entitled to appear personally, produce evidence, and to have counsel, and to a public hearing.

**SECTION 12.** Employees in the classified services may be transferred from one position to another in the same class. Transfers may be instituted only by the department head and shall be permitted only with the consent of the department head.

**SECTION 13.** The department heads shall be given an immediate report in writing of all appointments, reinstatements, vacancies, or other matters affecting the status of any member of the classified service or the performance of the duties of members of the classified service. The report shall be in the manner and form prescribed by the board.

The department head may suspend any employee for not more than ten (10) days for cause and there shall be no right of appeal for such suspension. The department head shall not have the authority to suspend any employee for more than one (1) suspension of ten (10) days within any given six (6) month period of time without the right of appeal.

If the department head shall suspend any employee for a period longer than ten (10) days, the suspended employee shall be notified in writing of the charges placed against him or her. The employee shall thereafter have ten (10) days to request a hearing before the civil service board. Upon receiving the employee's request, the board shall set a hearing, not more than thirty (30) days from the date of the receipt of the request.

**SECTION 14.** No person holding a position in the classified service shall take an active part in any political campaign while on duty, nor under any circumstances shall any employee solicit money for political campaigns. An employee shall not use his or her position to reflect the employee's personal political feelings as those of the department head or to exert any pressure on anyone to influence that person's political views. No employee while on duty, nor any officer while in uniform, shall display any political advertising or paraphernalia on the employee's person or on the employee's automobile.

However, nothing in this part shall be construed to prohibit or prevent any such employee from becoming or continuing to be a member of a political club or organization and enjoying all the rights and privileges of such membership or from attending any political meetings, while not on duty. An employee shall not be denied freedom in the casting of a vote nor seeking election to a non-partisan office. If an employee seeks election to a partisan office, that employee must take an unpaid leave during that campaign.

Any person violating the provisions of this section shall be dismissed from the service of the county.

**SECTION 15.** Notwithstanding the other provisions of this act, in the event that conditions in the sheriff's department of the county or the financial condition of the county necessitates a reduction in the work force, the required reduction shall be made in such class or classes as the appointing authority designates. Favorable consideration must, however, be given toward retention of those employees in the highest class of positions. If necessary to achieve their retention, employees may be temporarily demoted to a lower class or position. The determination as to which employees within a particular class are to be laid off rests with the sound discretion of the appointing authority and will be based on such considerations as serving ratings, seniority, department head recommendations and other relevant factors. Any employee laid off or temporarily demoted to a lower class of position under this section shall be given priority over other applicants to reinstatement to the employee's former position or to a comparable position in the system.

**SECTION 16.** The civil service system established under the provisions of this act shall become operative upon certification by the chairman of the board of county commissioners to the Secretary of State that a civil service board has been duly elected and that the board of county commissioners, by a majority vote of its members, has approved:

- (a) A plan for examination of applicants; and
- (b) A listing of classified and unclassified positions.

**SECTION 17.** Upon ratification by the county legislative body and the full implementation of this act's provisions and until such time as this act is revoked, this act will supersede all laws, acts, rules and regulations relative to the Sheriff's Department personnel that are in conflict with this act.

**SECTION 18.** The provisions of this act are severable, and if any such provisions or sections are held to be unconstitutional, the remaining provisions and sections are not so affected but continue in full force and effect.

**SECTION 19.** The provisions of this act once adopted may be revoked by the same method used to adopt the act. Such revocation shall be effective with the next beginning fiscal year.

**SECTION 20.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Rhea County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county and certified to the Secretary of State.

**SECTION 21.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 20.

Passed: April 1, 1996.

## Law Enforcement - Historical Notes

### **Jails and Prisoners**

The following act once affected jails and prisoners in Rhea County, but is no longer operative.

1. Acts of 1825, Chapter 146, appointed Thomas Price, Richard G. Waterhouse, William S. Leuty, John Locke, Miles Vernon, William Smith and Robert Bell, as Commissioners with the power and authority to contract with suitable workmen to build a new jail in Rhea County on the public square or at some other suitable place in Washington. The Quarterly Court may levy a tax over the next three years to finance the cost of construction. The said tax would be collected by the Sheriff, paid to the Trustee and used for no other purpose. The Commissioners will report to the Court when the new jail is completed and then the old jail will be either sold or tom down.

### **Militia**

Those acts once affecting Rhea County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order.

1. Acts of 1809, Chapter 43, set up muster times for the militia in Rhea and Bledsoe Counties. The Regiment of infantry in Rhea County shall hold their regimental musters at the place of holding Court in Rhea County on the second Thursday in next October, and every year thereafter. The battalions composing the First Regiment of Rhea County shall hold their battalion and company musters at the same time.
2. Acts of 1809, Chapter 89, stated that the militia of Rhea County shall compose the 30th Regiment of the State Militia, and will muster at the place of holding Court in the said County. Section 14 formed some brigades in the militia and assigned Anderson, Roane, Bledsoe, and Rhea Counties' to the 8th Brigade.
3. Acts of 1815, Chapter 119, was an entirely new militia law for the State saying that the militia shall be composed of free men and indentured servants between 18 and 45 years of age. There is a table of organization complete with the duties of each rank and a re-enactment of all rules and regulations pertinent to the orderly discharge of the functions of the units of the State and County militia including police work. The militia of Rhea County would compose the 30th Regiment. Each regiment consisted of two battalions, made up of companies of not less than 40 privates, 2 musicians, 3 sergeants, 3 corporals, one captain, one lieutenant, and one ensign.
4. Acts of 1821, Chapter 184, stated that the militia of Rhea County which is the 30th Regiment of the State of Tennessee shall hold a regimental muster on the fourth Tuesday in September.
5. Acts of 1822, Chapter 155, stated that all that part of Rhea County which lies on the south of the Tennessee River shall be and compose a separate battalion of militia which shall be known as the Third Battalion and commanded by the second Major of the Regiment.
6. Acts of 1822, Chapter 205, averred that the different militia regiments of the counties of Rhea, Bledsoe, Hamilton, Marion, and McMinn shall constitute a Brigade in the militia of this State and shall be attached to the First Division. Field officers shall meet at the Courthouse in Washington in-Rhea County, to elect a Brigadier General, who, when elected, shall have all the rank, power, and authority as other Brigadier Generals.
7. Acts of 1825, Chapter 69, was a virtual rewriting of the Militia Law of Tennessee ranging the entire scale of military affairs. Rhea County's militia was the 30th Regiment in the 12th Brigade whose regimental muster would be on the first Saturday in October every year.
8. Acts of 1825, Chapter 86, provided that the militia of Rhea County on the north side of the Tennessee River shall compose the 30th Regiment and the militia on the south side shall compose the 96th Regiment which will consist of two battalions and be a part of the 12th Brigade.
9. Acts of 1827, Chapter 162, was the authority for the volunteer Rifle Company in the County of Rhea and the town of Washington, called the Washington Guards, to dissolve their association and unite themselves into a company of calvary, and thus be entitled to receive all the benefits granted to other calvary companies.
10. Acts of 1831, Chapter 101, released Edmund Bean, a citizen of Rhea County, from the payment of the sum of \$65, that being the total amount of three separate fines assessed against him by a regimental Court Martial held for the 30th Regiment of Tennessee Militia. The release will be effective upon Bean's paying the Court costs, if any, which remain unpaid.
11. Acts of 1831, Chapter 121, stated that all persons living on Walden's Ridge in Rhea County near Gordon's Road are hereby exempted and discharged from attending all musters of militia unless the same is in case of invasion or insurrection.
12. Acts of 1835-36, Chapter 21, was a reenactment of the entire militia laws of Tennessee to conform to the requirements of the new 1835 State Constitution. Rhea County's militia will constitute the 35th Regiment which shall be commanded by a Colonel.
13. Acts of 1837-38, Chapter 157, was a lengthy amendment to the militia law which set the county drills for every militia unit in the State, plus scheduling the regimental musters for these organizations. Each member was compelled to report equipped according to law for at least three hours of training each day of the muster. Rhea County's militia was in the 7th Brigade with the units in Meigs, Bledsoe, Marion, and Hamilton Counties, and would drill on the Monday and Tuesday after the first Friday and Saturday in September of each year. The regiment in the county would meet on the first Thursday in the following October.

### **Sheriff**

The following acts have no current effect but are included here for reference purposes since they once

applied to the Rhea County Sheriff's Office. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1819, Chapter 134, was the legal authority for the Sheriff of Rhea County to collect any arrearages of tax, or any other debts he was authorized to collect before the establishment of Hamilton County from any person stricken off of Rhea County and placed into Hamilton County.
2. Act of 1831, Chapter 21, was the legal authority for the Sheriffs of Lincoln and Rhea Counties to appoint three Deputy Sheriffs in addition to all other Deputies, who shall be subject to the same rules and regulations as are other Deputies.
3. Acts of 1841-42, Chapter 114, directed the Treasurer of the State of Tennessee to pay to Samuel R. Hackett, the late Sheriff and Tax Collector of Rhea County, the sum of \$13.16, on the warrant of the Comptroller of the State, payable out of any State money which might be available, and uncommitted. The Quarterly Court of Rhea County was expected to refund to Hackett the sum of \$31.32 upon proof he has paid the full amount of the County tax.
4. Private Acts of 1921, Chapter 522, stated that the Sheriff of Rhea County shall be paid the sum of \$2,000 per year as a salary provided the Sheriff shall file quarterly, beginning on January 1, an itemized statement, sworn to by him, showing the amount of fees collected by his office, and when the fees, excluding prisoner's board and tumkeys, fails to equal the \$2,000, the County shall pay the difference, but, if the fees exceed that amount, the Sheriff may retain the excess salary. This Act was repealed in Item 20, below.
5. Private Acts of 1931, Chapter 661, was the legal authority for the Quarterly Court of Rhea County, by Resolution, at any regular, or called, session to appropriate and provide for payment to Sheriffs, Deputy Sheriffs, and Constables, making arrests for violation of the liquor laws of the State, a portion, not to exceed half, of the fines collected upon the conviction of those arrested therefore, which fines may be imposed in the Justice of the Peace Courts, the Circuit Court, or the Criminal Court. This Act was repealed by Private Acts of 1949, Chapter 34.
6. Private Acts of 1949, Chapter 19, expressly repealed Private Acts of 1921, Chapter 522, Item 18, above, which fixed the salary of the Rhea County Sheriff, in its entirety.
7. Private Acts of 1949, Chapter 34, expressly and entirely repealed Private Acts of 1931, Chapter 661, above.
8. Private Acts of 1995, Chapter 65, would have established a civil service system for sheriff's department employees, but was not locally adopted by the county legislative body.

## Chapter XI - Taxation

### Assessor of Property

### Building Permits

### Private Acts of 1975 Chapter 48

**SECTION 1.** No person shall erect or have erected, constructed, or reconstructed, any building or structure in Rhea County, or no person shall alter or have altered any existing building or structure in Rhea County, where the value of such alteration will exceed the sum of one thousand dollars (\$1,000.00), without first applying to the Assessor of Property of Rhea County for a building permit for such erection, construction, reconstruction, or alteration. As used in this Act, "building or structure" includes any mobile home, modular structure, or manufactured structure.

Such application shall be in a form to be prescribed by the Assessor of property and shall contain the following information: (1) whether the proposed work is to be new construction or the alteration of an existing structure; (2) the location or address of the proposed construction or alterations; (3) the identity of the owner or owners of the premises; (4) the estimated cost of the completed structure in the case of new construction, or in the case of alteration of an existing structure, the estimated value of such structure before and after such alteration; and (5) such other information as the Assessor shall prescribe.

Upon proper application, duly filed, the Assessor shall then issue a building permit and shall take note of the fact of such erection, construction, reconstruction or alteration for his tax records.

No new or additional property tax shall be assessed against such premises unless and until the same are completed to the extent that they are habitable or may be put to use. However, in the case of the

alteration of an existing structure not theretofore on the tax books of the county, or against which no property tax has been assessed, the Assessor is not precluded from assessing such structure at its value before such alteration is completed and subsequently increasing the assessment upon completion of such alteration, so as to include the value thereof within the current taxable year.

**SECTION 2.** This Act shall not apply to the erection, construction, reconstruction, or alteration of buildings or other structures in cities requiring permits for the same, providing that copies of such permits are made available to the office of the, County Assessor of Property.

**SECTION 3.** The Assessor of Property shall collect a fee for the issuance of each building permit. The amount of the fee is to be set by Resolution of the Quarterly Court of Rhea County and is not to exceed five dollars (\$5.00). The Assessor shall make monthly reports and pay over to the County Trustee all funds received for such permits. The proceeds of the building permit fee shall be deposited in the general funds of Rhea County. The expenses incident to this Act shall be paid out of the General funds of the county.

**SECTION 4.** No electric, gas, or water service shall be provided for any building or other structure to which this Act applies until the building permit as required herein has been obtained, and it shall be unlawful for any person, corporation, municipality, co-operative or other agency to make, assist in making or permit to be made any connection which provides such electric, gas or water service until the required permit has been obtained.

**SECTION 5.** Any violation of any of the provisions of this Act shall be punishable upon conviction thereof by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).

**SECTION 6.** This Act shall have no effect unless the same shall have been approved by two-thirds (2/3) vote of the next regular meeting of the Quarterly County Court of Rhea County thirty (30) days after its approval by the Chief Executive of this State. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

**SECTION 7.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.

Passed: April 9, 1975.

## General Purpose Tax

### Private Acts of 1951 Chapter 423

**SECTION 1.** That Rhea County, acting by and through its Quarterly County Court, shall be and is hereby authorized and empowered to levy and collect annually for General County purposes a tax-not to exceed Eighty (\$.80) Cents on each One Hundred (\$100.00) Dollars of taxable property in said County, and this authority shall exist in the Quarterly County Court regardless of the amount of such tax authorized to be levied and collected by the General Revenue Law of the State.

**SECTION 2.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 7, 1951.

## Hotel/Motel Tax

### Private Acts of 1992 Chapter 148

**SECTION 1.** As used in this act unless the context otherwise requires:

- (1) "Clerk" means the county clerk of Rhea County, Tennessee.
- (2) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.
- (3) "County" means Rhea County, Tennessee.
- (4) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any

hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(5) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(6) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

(7) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental entity other than the United States or any of its agencies, or any other group or combination acting as a unit.

(8) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

(9) "Not-for-profit corporation, association or organization" means a corporation, association or organization which is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. Section 501(c)(3)), as amended, and which is organized and operated purely for religious or charitable purposes.

As amended by: Private Acts of 1995, Chapter 69

**SECTION 2.** The legislative body of Rhea County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in the amount not to exceed five percent (5%) of the rate charged by the operator; provided, however, the initial rate of such tax on the effective date of this act shall be two percent (2%). Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this act.

**SECTION 3.** The proceeds received by the county from the tax shall be retained by the county and designated and used for the following purposes: sixty percent (60%) for tourism development; forty percent (40%) for economic development, or for such purposes and in such amounts as may be designated by resolution of the county legislative body of Rhea County.

**SECTION 4.** (a) Except as provided in subsection (b) of this section, such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient. Such tax shall be collected by such operator from the transient and remitted to the county clerk as provided in Section 5.

When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected or charged and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

(b) No tax shall be imposed under this act or be added by an operator if reservations for occupancy of the hotel is for the purpose of conducting official affairs of a not-for-profit corporation, association or organization as defined in Section 1 (9) and not for recreational purposes, and reservations are made by, through, or in the name of such corporation, association or organization which presents a federal or state tax exemption number at the time such reservations are made and completes necessary paperwork establishing its eligibility.

As amended by: Private Acts of 1995, Chapter 69

**SECTION 5.**

(a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels within the county to the clerk or such other officer as may by resolution be charged with the duty of collection thereof, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

(b) For the purpose of compensating the operator for remitting the tax levied by this act, the operator shall be allowed two percent (2%) of the amount of the tax due and remitted to the clerk in the form of a deduction in submitting the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

**SECTION 6.** The clerk, or other authorized collector of the tax, shall be responsible for the collection of such tax and shall place the proceeds of such tax in accounts for the purposes stated herein. A monthly tax return shall be filed under oath with the clerk by the operator with such number of copies thereof as the clerk may reasonably require for the collection of such tax.

The report of the operator shall include such facts and information as may be deemed reasonable for the

verification of the tax due. The form, including provisions for insuring compliance with subsection (b) of Section 4 of this act, is to be developed by the clerk and approved by the county legislative body prior to use. The clerk shall audit each operator in the county at least once a year and shall report on the audits made on a quarterly basis to the county legislative body.

The county legislative body is authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

As amended by: Private Acts of 1995, Chapter 69

**SECTION 7.** No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

**SECTION 8.** Taxes collected by an operator which are not remitted to the clerk on or before the due dates are delinquent. An operator is liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient, to pay the tax imposed is unlawful and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00).

**SECTION 9.** It is the duty of every operator liable for the collection and payment to the county of any tax imposed by this act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of tax due and payable to the county. The clerk has the right to inspect such records at all reasonable times.

**SECTION 10.** The clerk in administering and enforcing the provisions of this act has as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law.

For services in administering and enforcing the provisions of this act, the clerk is entitled to retain as a commission five percent (5%) of the taxes collected.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, Title 67. It is the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The provisions of Tennessee Code Annotated, Section 67-1-707, shall be applicable to adjustments and refunds of such tax.

With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the clerk under authority of this act shall be refunded by the clerk.

Notice of any tax paid under protest shall be given to the clerk and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

**SECTION 11.** The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

**SECTION 12.** The proceeds of the tax authorized by this act shall be allocated to and placed in the general fund, or other fund, of Rhea County to be used for the purposes stated in Section 3 of this act.

**SECTION 13.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 14.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Rhea County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and shall be certified by such presiding officer to the Secretary of State.

**SECTION 15.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect upon being approved as provided in Section 14.

Passed: February 24, 1992.

## Litigation Tax

## Private Acts of 1963 Chapter 173



**SECTION 1.** That a litigation tax of Two Dollars (\$2.00) shall be taxed as part of the costs in all civil and criminal actions in the General Sessions Court, the Circuit Court and the Chancery Court of Rhea County, Tennessee.

**SECTION 2.** That the said Clerks of the said Courts will collect the said litigation tax and pay same into a separate fund, which is to be designated as the "Court House and Jail Maintenance Repair Fund", to be used exclusively for the purpose of maintenance and repair of the Court House and Jail.

**SECTION 3.** That all expenditures made from the said Fund are to be made by the Purchasing and Finance Commission, upon the authorization of the Quarterly County Court.

**SECTION 4.** That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the County Court of Rhea County, Tennessee, on or before the next regular meeting of such County Court occurring more than thirty days (30) days after its approval by the Chief Executive of the State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

**SECTION 5.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 14, 1963.

## Special Purposes Tax

### Private Acts of 1951 Chapter 424

**SECTION 1.** That Rhea County is hereby authorized and empowered, by and through the Quarterly County Court, to levy in addition to taxes for other County purposes now authorized by law, a special tax for the following purposes, not to exceed the amount set out opposite each item, upon the \$100.00 worth of taxable property in Rhea County:

Charitable & Penal Institutions	.20c
Farm & Home Economic Agents	.05
Court Costs	.10
Service Officer	.03
Election Expense	.05
Jail Expense & Boarding Prisoners	.35
Salaries of Officers	.20

**SECTION 2.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 7, 1951.

## Taxation - Historical Notes

### **Assessor of Property**

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Rhea County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1911, Chapter 411, amended Public Acts of 1907, Chapter 602, which set the annual salary of the Tax Assessors in the State, by fixing the annual salary of the Tax Assessors in several Counties, using the population figures of the 1910 Federal Census. In Rhea County the Tax Assessor would be paid \$700 each year.
2. Private Acts of 1921, Chapter 155, set the annual salary of the Tax Assessor in Rhea County, identified by the use of the 1920 Federal Census figures, at \$1,500 per year payable annually. This Act was repealed by the one following.
3. Private Acts of 1933, Chapter 288, expressly repealed Private Acts of 1921, Chapter 155, Item 2, above. This Act was repealed in Item 5, below.
4. Private Acts of 1933, Chapter 363, fixed the annual salary of the Tax Assessor of Rhea County at \$1,000. This Act was repealed by the one following.
5. Private Acts of 1945, Chapter 525, specifically repealed Private Acts of 1933, Chapter 288, Item 3, above, and Private Acts of 1933, Chapter 363, Item 4, above, which would presumably restore Private Acts of 1921, Chapter 155, Item 2, above.
6. Private Acts of 1953, Chapter 495, set the salary of the tax assessor at \$2,400 per annum and authorized the assessor to employ a clerk at a salary of \$600 per annum.

7. Private Acts of 1957, Chapter 377, made it the duty of the Assessor of Property to be present, or to have a Deputy present, at his office in the Court House during normal office hours. It was the Assessor's further duty to stamp on all deeds the information that he has copied the names of the parties on the deed, and knows the true consideration for the transaction. The Assessor must correct the tax rolls and check for any delinquent taxes which might be due on the property conveyed. The Assessor would collect \$1 as a fee for his services at the time the deed is stamped which he shall pay over to the County Trustee for deposit in the general fund account of Rhea County. This Act was not presented to the Quarterly Court and therefore was never ratified or rejected, thus nullifying its effect under the Home Rule 23 Amendment to the Constitution of the State which requires such local action to be taken.
8. Private Acts of 1949, Chapter 896, relative to the duties of the register of deeds and the tax assessor in Rhea County, was repealed by Private Acts of 2019, Chapter 33.

### **Board of Equalization**

The private acts listed below are inoperative.

1. Private Acts of 1921, Chapter 874, declared that, in Rhea County, identified by the 1920 Federal Census figures, the Chairman of the County Court shall have the authority to appoint three additional members of the County Board of Equalization whose powers, duties, and compensation, shall be the same as the other members of the Board appointed under general state law. This Act was repealed by the one below.
2. Private Acts of 1949, Chapter 14, specifically repealed Private Acts of 1921, Chapter 874, Item One, above, as it was written.

### **Taxation**

The following is a listing of acts pertaining to taxation in Rhea County which are no longer effective. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1825, Chapter 196, authorized the County Court of Rhea County, to levy an additional tax to build a jail on the public square, or at some other suitable place in Washington.
2. Acts of 1831, Chapter 12, required that the collector of the courthouse tax report the amount of money collected to the County Court on or before the second day of each term of the Court.
3. Acts of 1870, Chapter 50, allowed the several counties and incorporated cities to impose taxes for county and municipal purposes in the following manner, (1) all taxable property shall be taxed according to its value on the principles established for state taxation, and (2) the credit of no county nor city may be loaned to any person, firm, or corporation, unless a majority of the quarterly court first agrees to submit the question to a referendum vote of the people whereupon this law requires that three-fourths of the voters approve the same. Several counties exempted themselves from the three-fourths approval for the next ten years, saying a majority vote would be sufficient, but Rhea County was not among them.
4. Private Acts of 1929, Chapter 180, ratified, validated, and confirmed the tax levy of 13 cents on each \$100 of property valuation of all the taxable property in Rhea County, which levy was made by the Quarterly Court of the County.
5. Private Acts of 1931, Chapter 468, was the enabling law which permitted the Quarterly Courts of Rhea and Macon Counties to levy an annual special tax to defray the current expenses of the two said Counties, to meet any and all expenses for boarding inmates of the said Counties' in the Eastern State Hospital, the Home for the Feeble Minded, and the Tennessee Industrial School, the boarding, the upkeep, and the burials of paupers, the cost of jury services, and to pay for witnesses' cost, jail expenses, the board and transportation of prisoners, and the salaries of county officials.
6. Private Acts of 1943, Chapter 354, ratified the action of the Rhea County Quarterly Court in adopting a Resolution on December 12, 1942, which exempted Rhea County from the terms and conditions of the Public Acts of 1937 relative to delinquent taxes, and to validate and confirm the actions of the County Trustee in filing delinquent tax suits, all of which is officially ratified, confirmed, and approved, all laws to the contrary notwithstanding.
7. Private Acts of 1951, Chapter 276, recited in the preamble that for many years the quarterly court of Rhea County had levied taxes for various county purposes which the people have constantly and continuously paid, and the quarterly court did the same thing in the year 1949, which taxes many of the citizens have paid without protest, but some of them have protested, which is not equitable; therefore, this Act ratifies, validates, and confirms the tax levy of the Rhea County Quarterly Court for the year 1949, all of which is repeated in the Act to the full extent including

the portion in excess of the limitations placed upon the same by Chapter 3, Public Acts of 1931 (Ex. Sess.), but no penalty, or interest, shall accrue against those who have not yet paid the same. See Cincinnati N.O. & Ry Co. v. Rhea County, 194 Tenn. 167, 250 S.W.2d 60 (1952), an interesting case involving this statute.

8. Private Acts of 1951, Chapter 423, was the legislative authority for Rhea County, acting by and through its Quarterly Court, to levy and collect annually for general county purposes a tax not to exceed .80 cents per \$100, taxable property valuation, and this authority shall exist in the Quarterly Court regardless of the amount of such tax authorized to be levied and collected by the General Revenue Law of the State.
9. Private Acts of 1951, Chapter 424, authorized Rhea County through the Quarterly Court to levy a schedule of taxes listed in the Act. This Act is published herein.

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